

CWP No. 8571 of 2019 and connected matters

1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**(1) CWP No. 8571 of 2019
Date of Decision : 12.03.2020**

Bachittar Singh and others
....Petitioners

Versus

State of Punjab and others
.....Respondents

(2) CWP No. 5389 of 2017

Dharam Pal Sharma and others
....Petitioners

Versus

State of Punjab and another
.....Respondents

(3) CWP No. 10172 of 2017

Darshan Singh and others
....Petitioners

Versus

State of Punjab and others
.....Respondents

(4) CWP No. 3458 of 2018

Joginder Singh and others
....Petitioners

Versus

State of Punjab and others
.....Respondents

(5)

CWP No. 11294 of 2018

Jalwant Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. P.K. Goklaney, Advocate and
Mr. Ashish Goklaney, Advocate for the petitioner(s).

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

CM-13770-CWP-2019 in CWP-3458-2018

Present application has been filed to place on record replication to the written statement filed on behalf of the respondents alongwith Annexures P-10 to P-23 respectively.

Application is allowed and replication alongwith Annexures P-10 to P-23 is taken on record.

CWP-8571-2019, CWP-5389-2017, CWP-10172-2017, CWP-3458-2018 and CWP-11294-2018

By this common order, five writ petitions, the details of which have been mentioned in the heading, are being disposed of as all the writ petitions involve the same question of law and similar facts.

In these writ petitions, the claim of the petitioners, who were the employees of the Aided Institutions, is that they are entitled for the grant of benefits as recommended by the 5th Pay Commission such as their pension should not be less than 50% of the pay, as recommended by the Pay

Commission. Further, in one of the writ petitions, the claim of the petitioners is for the grant of higher pay scale after completion of 8 and 18 years of service. In all these writ petitions, the claim of the petitioners is against the Management, who was their employer while they were working in the Aided Institutions.

Learned counsel for the respondent-State raises a preliminary objection that as the claim of the petitioners is against the private institutions, the present writ petitions are not maintainable before this Court at this stage and the petitioners are to approach the Educational Tribunal, Punjab, for the redressal of their grievance, keeping in view the amendment in Punjab Affiliated Colleges (Security of Service of Employee) Act, 1974.

Learned counsel for the respondent-State relies upon the judgment of this Court passed in CWP No.25942 of 2012, titled as “**Suresh Sharma vs State of Punjab and others**”, decided on 11.04.2019, which has already been upheld by the Division Bench of this Court in LPA No.892 of 2019, titled as “**Surinder Krishan Sharma vs State of Punjab and others**”, decided on 09.05.2019.

Faced with this situation, learned counsel for the petitioner(s) very fairly states that the petitioners be relegated to avail their remedy before the Educational Tribunal, Punjab.

Learned counsel for the petitioner(s) prays that as these writ petitions are pending before this Court and pleadings are complete, let the paper book(s) of these writ petitions be sent to the Educational Tribunal, Punjab, otherwise, the precious time of the Tribunal will be wasted in filing the same pleadings once again. Learned counsel argues that sending the paper book(s) of these writ petitions to the Tribunal will also expedite the

hearing of claim of the petitioners as well.

Learned counsel for the respondent-State raises no objection to the plea raised by the learned counsel for the petitioners for sending the paper book(s) of these present writ petitions to the Educational Tribunal for adjudication.

As the Aided Institutions are not party, learned counsel for the petitioner(s) states that the Institutions, where the petitioners have served, will be impleaded as respondents before the Educational Tribunal by filing appropriate application.

In case any such exercise is done, appropriate orders will be passed by the Tribunal on the said plea as the grievance of the petitioner(s) primarily is against the Aided Institutions, where they have served.

Keeping in view the above, as prayed for by the learned counsel for the petitioner(s), the petitioner(s) are relegated to avail their remedy before the Educational Tribunal, Punjab. The paper book(s) of all the writ petitions be sent to the Educational Tribunal, Punjab for passing appropriate order on the claim made by the petitioner(s), keeping in view the pleadings already raised by the parties. The parties are directed to appear before the Educational Tribunal, Punjab on 21.04.2020.

All the writ petitions are disposed of in abovenoted terms.

March 12, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*