

**305 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**1. CWP No.18462 of 2003 (O&M)
Date of Decision: January 15, 2020**

Sh. O.P. Kharbanda and others Petitioners

Versus

State of Punjab and others Respondents

2. CWP No.9968 of 2006 (O&M)

Joginder Singh (now deceased) through Lrs. Petitioner

Versus

The State of Punjab and others Respondents

3. CWP No.18817 of 2006 (O&M)

Zorawar Singh Petitioner

Versus

State of Punjab and others Respondents

4. CWP No.19218 of 2006 (O&M)

Kishori Lal Kaushal Petitioner

Versus

The State of Punjab and others Respondents

5. CWP No.13899 of 2007 (O&M)

Sh. Pritam Singh Logani and others Petitioners

Versus

State of Punjab and others Respondents

6. CWP No.79 of 2008 (O&M)

Sadhu Singh and others Petitioners

Versus

State of Punjab and others Respondents

7. CWP No.2160 of 2009 (O&M)

Sh. S. Gurparkash Singh Sandhu and another Petitioners

Versus

State of Punjab and others Respondents

8. CWP No.408 of 2011 (O&M)

Mrs Darshna Jain and others

.... Petitioners

Versus

The State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.S. Bains, Advocate for the petitioner(s)
in CWP Nos.18463 of 2003, 9968, 18817 of 2006,
13899 of 2007, 79 of 2008 and 2160 of 2009.
Mr. R.K. Arora, Advocate for the petitioners
in CWP No.19218 of 2006.
Mr. Balbir Singh Jaswal, Advocate for the petitioners
in CWP No.408 of 2011.

Mr. Navdeep Chhabra, DAG, Punjab.

Mr. M.S. Virk, Advocate for
Mr. P.K. Sekhon, Advocate for respondent Nos.3 and 4
in CWP No.2160 of 2009.

HARSIMRAN SINGH SETHI, J.(ORAL)

By this common order, the writ petitions, details of which have been given in the heading, are being decided as all the writ petitions involve the same question of law and similar facts. For the purpose of the present order, the facts are being taken from CWP No.18462 of 2003.

In the present writ petition, the claim, which is being raised by petitioners, is for the grant of leave encashment and other pensionary benefits. The claim of the petitioners is against respondent No.3 i.e. Arya College Managing Committee, Rishi Dayanand Marg, Ludhiana, which managed respondent No.4-Institution. Respondent No.4-Institution is an aided Institution receiving grant in aid from the Government of Punjab.

As per averments made in the writ petition, the petitioners were not given their salary by the institution where they were discharging their duties for a particular period and after their retirement, leave encashment and other benefits have also not been extended to the petitioners according to their entitlement, which grievance has been raised by the petitioners by filing the present writ petition.

Learned counsel appearing on behalf of the respondents raises a preliminary objection that keeping in view the amendment in the Punjab Affiliated Colleges (Security of Service of Employee) Act, 1974, the petitioners have to approach the Educational Tribunal for redressal of their grievance and therefore, the petitioner needs to be relegated to avail the remedy before the Educational Tribunal, Punjab. In support of the said contention, learned counsel for the respondents 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 petitioners very fairly states that the petitioners be relegated to avail their remedy before the Educational Tribunal, Punjab.

Learned counsel for the petitioners further prays that as the pleadings are complete in the present writ petitions, let the paper book(s) of all the 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 for the petitioners further states that sending

the paper book(s) of all the writ petitions to the Tribunal will expedite the hearing of claim of the petitioner as well.

Learned counsel for the respondents raises no objection to the prayer made by the learned counsel for the petitioners for sending the paper book(s) of all the writ petitions for passing of appropriate orders.

Keeping in view the above, as prayed for by the learned counsel for the petitioners, the petitioners 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 orders on the claim made by the petitioners. The parties are directed to appear before the Educational Tribunal, Punjab on 25.03.2020.

All the writ petitions are disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

January 15, 2020
sarita

Whether speaking/reasoned	Yes
Whether reportable	Yes