

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

**1. CWP No.16640 of 2003 (O&M)
Date of Decision: January 14, 2020**

Manjit Singh Petitioner

Versus

The State of Punjab and others Respondents

2. CWP No.3059 of 2001 (O&M)

D.L. Anand Petitioner

Versus

State of Punjab and others Respondents

3. CWP No.13534 of 2005 (O&M)

Kamlesh Tangri and others Petitioners

Versus

State of Punjab and others Respondents

4. CWP No.14620 of 2005 (O&M)

Pushpa Kumari Petitioner

Versus

State of Punjab and others Respondents

5. CWP No.18695 of 2005 (O&M)

Jagjit Singh Kang and another Petitioners

Versus

State of Punjab and others Respondents

6. CWP No.8789 of 2006 (O&M)

Dr. Nand Lal Sharma Petitioner

Versus

State of Punjab and others Respondents

7. CWP No.16250 of 2006 (O&M)

Prof. Ranbir Kumar Marwaha Petitioner

Versus

State of Punjab and others Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. N.K. Suneja, Advocate for the petitioner(s)
in CWP Nos.16640-2003, 3059-2001, 14620-2005,
13534-2005, 14620-2005, 18695-2005 and 16250-2006,

None for the petitioner(s) in CWP-8789-2006.

Mr. Satyam Tandon, Advocate
for respondent Nos.3 and 4 in CWP-13534-2005.

Mr. Navdeep Chhabra, DAG, Punjab.

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.16640 of 2003.

In the present writ petition, the petitioner is claiming the benefits of the pay, leave encashment and gratuity. It may be noticed here that the petitioner was an employee of respondent No.3 i.e. Khalsa Education Council and was working in Gujrawala Khalsa College, Civil Lines, Ludhiana, which is an aided institution receiving 95% grant in aid from the Government of Punjab.

As per averments made in the writ petition, the petitioner was not given his salary by the institution when he was discharging his duties for a particular period and after the retirement, the correct amount of gratuity and leave encashment have also not been extended to the petitioner, which grievance has been raised by the petitioner 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 remedy which the petitioner has to avail is before the Educational Tribunal 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 judgment, 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 very fairly states that the petitioner be relegated to avail his remedy before the Educational Tribunal, Punjab. Learned counsel for the petitioner further prays that as the present writ petitions are pending before this Court and pleadings are complete, 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 states that sending of 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 respondent raises no objection to the plea raised by the learned counsel for the petitioner for sending the paper book(s) of all the writ petitions for adjudication.

Keeping in view the above, as prayed for by the learned counsel for the petitioner, the petitioner is relegated to avail his 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 petitioner, keeping in view the pleadings already raised by the parties. The parties are directed to appear before the Educational Tribunal, Punjab on 28.02.2020.

All the writ petitions are disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

January 14, 2020
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Whether speaking/reasoned	Yes
Whether reportable	Yes