

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CWP-1015-2018

Joginder Singh and othersPetitioners

Versus

State of Punjab and othersRespondents

2. CWP-21676-2018

Damodar Dass Sharma and othersPetitioners

Versus

State of Punjab and othersRespondents

Date of decision: - 02.03.2020

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Pawan Kumar Goklaney, Advocate
for the petitioners.

Ms. Devki Anand Sullar, Asstt. Advocate General, Punjab.

Mr. Vikram Singh Chahal, Advocate
for Mr. Sameer Sachdeva, Advocate
for respondent No.4.

HARSIMRAN SINGH SETHI, J. (ORAL)

By this order, above-mentioned two Civil Writ Petitions are being disposed of in the light of common question of law and similar facts involved. For the sake of convenience, the facts are being extracted from CWP-1015-2018 titled as 'Joginder Singh and others Vs. State of Punjab and others'.

The claim of the petitioners is that after they had already retired from a privately managed recognized aided school, they are entitled for the grant of leave encashment, which is not being given to them by the management. The claim of the petitioners in the present writ petitions is against respondent No.4 i.e. aided school and its management for the grant of leave encashment in respect of the service which they had rendered with the aided institution.

Learned counsel for the respondents raises a preliminary objection that as the claim of the petitioners is against the private institution, 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 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 prays that as the present writ petitions are pending before this Court and pleadings are complete, let the paper-books of the present 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 books of the present writ petitions to the Tribunal will also expedite the hearing of claim of the petitioners as well.

Learned counsel for the respondents raises no objection to the plea raised by the learned counsel for the petitioners for sending the paper-books of the present writ petitions to the Educational Tribunal for adjudication.

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-books of the present writ petitions be sent to the Educational Tribunal, Punjab for passing appropriate order on the claim made by the petitioners, 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.

The present writ petitions are disposed of in abovenoted terms.

**(HARSIMRAN SINGH SETHI)
JUDGE**

March 02, 2020
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Whether reasoned/speaking?	Yes
Whether reportable?	No