

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.17930 of 2016 (O&M)
Date of decision : February 05, 2020

Boota Singh Petitioner

Versus

The State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Baltej Singh Sidhu, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

Mr. Ishan Gupta, Advocate for respondent No.3.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present writ petition, the challenge is to the order dated 09.04.2016 (Annexure P-4) passed by respondent No.3.

Learned counsel for respondent No.3 argues that the present writ petition is not maintainable before this Court at the first instance and the petitioner is to approach the Educational Tribunal, Punjab, for the redressal of his grievance, keeping in view the amendment in Punjab Affiliated Colleges (Security of Service of Employee) Act, 1974.

Learned counsel for respondent No.3 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 petition is pending before this Court and pleadings are complete, let the paper book of the present writ petition 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 the paper book of the present writ petition to the Tribunal will expedite the hearing of claim of the petitioner as well.

Learned counsel for respondent No.3 raises no objection to the plea raised by the learned counsel for the petitioner for sending the paper book of the present writ petition 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 of the present writ petition be sent to the Educational Tribunal, Punjab for passing appropriate order 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 30.03.2020.

The present writ petition is disposed of in abovenoted terms.

(HARSIMRAN SINGH SETHI)
JUDGE

February 05, 2020

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No