

**CM No. 2927-CWP-2020 in/and
CWP No. 1819-2017**

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

**(102) CM No. 2927-CWP-2020 in/and
CWP No. 1819-2017
Date of Decision : 20.02.2020**

Shivani Sharma

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.K. Goklaney, Advocate for the applicant-petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

CM-2927-CWP-2020

Present application has been filed for recalling the order dated 11.02.2020, by which, the present writ petition was dismissed for non-prosecution.

Notice of the application to the counsel opposite.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which is duly supported by an affidavit, the same is allowed. The order dated

11.02.2020 is recalled and the writ petition is restored to its original number and status.

CWP-1819-2017

In the present writ petition, the grievance raised by the petitioner is that she is entitled for the release of pension and other retiral benefits keeping in view the Punjab Privately Managed Recognized Aided Schools Retirement Benefits Scheme, 1992. The grievance of the petitioner is against respondent No. 4 i.e. an aided institution, where she was serving.

Learned counsel appearing on behalf of the respondents raised a preliminary objection with regard to the maintainability of the writ petition before this Court at the first instance. Learned counsel argues that petitioner has to approach the Educational Tribunal, Punjab for redressal of the grievance keeping in view the amendments which have been carried out in Punjab Privately Managed Recognized Schools Employees (Security of Service) Rules, 1979. Learned counsel for the respondents also relies upon the judgment of this Court in CWP No. 25942 of 2012 titled as ***Suresh Sharma Vs. State of Punjab and others***, decided on 11.04.2019, which judgment has been upheld by the Division Bench of 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 prays that he be allowed to approach the Educational Tribunal for the redressal of the grievance as being raised in the present writ petition.

Learned counsel for the petitioner states as the reply has already been filed in the writ petition, record of this writ petition be sent to the

Educational Tribunal for passing appropriate order, otherwise, valuable time of the Tribunal will be wasted in completing the pleadings, which are already on record.

Learned counsel for the respondents raises no objection on the plea raised by counsel for the petitioner for sending the record of this case before the Educational Tribunal, Punjab for passing an appropriate order.

Keeping in view the above, petitioner is relegated to avail her remedy before the Educational Tribunal, Punjab. Let record of the present writ petition be placed before the Educational Tribunal, Punjab for passing appropriate orders on the claim raised by the petitioner.

Parties are directed to appear before the Educational Tribunal, Punjab on 27.04.2020.

In view of the above, present writ petition stands disposed of.

February 20, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

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