

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

CWP No.9527 of 2017 (O&M)
Date of decision : February 13, 2020

Subhash Chander Sharma and others Petitioners

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Navdeep Chhabra, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present writ petition, the claim raised by the petitioners is for grant of step up of pay after rendering 8/18 years of service. The claim of the petitioners, who were employees of privately managed recognized aided schools is against the Management of the Aided Institutions, where they were working.

Learned counsel for the respondent-State raises a preliminary objection that as the claim of the petitioner is against the private institution, the present writ petition is 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 respondent-State 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 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 argues that sending the paper book of the present writ petition to the Tribunal will also expedite the hearing of claim of the petitioner as well.

Learned counsel for the respondent-State raises no objection to the plea raised by the learned counsel for the petitioners for sending the paper book of the present writ petition 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 book of the present writ petition 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 petition is disposed of in abovenoted terms.

(HARSIMRAN SINGH SETHI)
JUDGE

February 13, 2020

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No