

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8348 of 2018

Date of decision: 10.02.2020

Ram Lal

.... Petitioner

versus

State of Punjab and others

... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harchand Singh Batth, Advocate
for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

Mr. A.S. Jaswal, Advocate for
Mr. Mahesh Dheer, Advocate
for respondents No.8 and 9.

HARSIMRAN SINGH SETHI, J.

In the present writ petition, the claim of the petitioner is against respondent No.7-DAV Senior Secondary School Patti, which is a private aided institution. Prayer of the petitioner is that his pensionary benefits were not released by respondent No.7-School within a reasonable time and therefore, he is entitled for grant of interest on the delayed release of pensionary benefits.

Learned counsel for respondents 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 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 in present writ petition 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 also expedite the hearing of claim of the petitioner as well.

Learned counsel for respondents raises no objection to the plea raised by the learned counsel for the petitioner for sending the paper book of the present writ petition to the Tribunal 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 24.04.2020.

The present writ petition is disposed of in above noted terms.

(HARSIMRAN SINGH SETHI)

JUDGE

10.02.2020.

aarti1. Whether speaking/non-speaking?

Yes/No

2. Whether reportable?

Yes/No