

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

120

CWP-2371-2022 (O&M)

DATE OF DECISION: 07.04.2022

DEVINDER KUMAR

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Gourav Goel, Advocate
for the petitioner.

Mr. TPS Chawla, DAG, Punjab for respondents No.1 to 3.

Mr. Gitish Bhardwaj, Advocate for respondents No.4 and 5.

ANUPINDER SINGH GREWAL, J. (ORAL)

CM-5100-CWP-2022

This application is for placing on record the documents which are annexed at Annexures P-17 to P-19.

Application is allowed and the documents annexed at Annexures P-17 to P-19 are taken on record subject to all just exceptions.

MAIN CASE

Learned counsel for the petitioner contends that the impugned order withdrawing the charge of the Principal from the petitioner is stigmatic and no notice was issued to the petitioner nor any opportunity of hearing afforded to him before passing the impugned order. The charge of the Principal has now been given to respondent No.6 who is not only junior to him in the seniority list but also in the Master cadre even though the petitioner is a Lecturer.

Issue notice to the respondents No.1 to 5 only.

At the asking of the Court, Mr. TPS Chawla, DAG, Punjab accepts notice on behalf of respondents No.1 to 3 and Mr. Gitish Bhardwaj, Advocate puts in appearance on behalf of respondents No.4 and 5.

Learned counsel for the respondents submit that as the dispute raised by the petitioner, who is an employee of the school is with the management, it is to be adjudicated by the Educational Tribunal. The petitioner has approached this Court without availing the remedy of raising the dispute before the Educational Tribunal.

Heard.

In terms of Section 8 of the Punjab Privately Managed Recognized Schools Employees (Security of Service) Act, 1979, the Educational Tribunal shall have jurisdiction to hear all cases of dispute between the Managing Committees and the employees.

Consequently, the petition is disposed of and the petitioner is relegated to the jurisdiction of the Educational Tribunal for the redressal of his grievance.

The record of the present writ petition be sent to the Tribunal for passing appropriate orders and the parties are directed to appear before the concerned Tribunal on 20.04.2022.

(ANUPINDER SINGH GREWAL)
JUDGE

07.04.2022

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No