

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211)

CWP No. 11186 of 2015
Date of Decision: 17.05.2022

Sadhu Singh and another

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jatin Salwan, Advocate, for the petitioners.

Ms. Anju Sharma Kaushik, D.A.G., Punjab.

Mr. A.P.S. Sandhu, Advocate for respondent No. 3.

Mr. Amrit Paul, Advocate for respondent No. 4.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the grievance of the petitioners is with regard to the grant of leave encashment by the private aided institution and its Managing Committee, which has been arrayed as respondent No. 3.

The claim of the petitioners is against the privately managed institution i.e. respondent No. 3.

Learned counsel appearing on behalf of the respondents raise a preliminary objection in respect of the maintainability of the present writ petition before this Court at the first instance.

Learned counsel for the respondents argues that keeping in view the provisions of Rule 7-A (12) of the Punjab Affiliated Colleges

(Security of Service of Employees) Act, 1974, the authority to adjudicate all the disputes between the employee and the managing committee at first instance lies with the Educational Tribunal and clause 7-A (12) has been interpreted by this Court while deciding **CWP No.25942 of 2012 titled as Suresh Sharma Vs. State of Punjab and others, decided on 11.04.2019.**

By the said order, this Court has held that the employee, seeking relief against the management has to approach the Educational Tribunal at the first instance. The said order passed by this Court, has already upheld by the Division Bench 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 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 petitioners pleads that as the present writ petition was filed in the year 2015 and replies on behalf of all the respondents have also been filed, record of this writ petition be sent to the Educational Tribunal, Punjab for deciding the claim of the petitioners as being raised in the present writ petition.

Learned counsel for the State as well as learned counsel for respondents No. 3 and 4 does not have any objection on the plea raised by counsel for the petitioners for sending the record of this case before the Educational Tribunal, Punjab.

Keeping in view the request made by counsel for the parties as noticed above, let record of the present writ petition be placed before the

Educational Tribunal, Punjab for passing appropriate orders on the claim raised by the petitioners.

Parties are directed to appear before the Educational Tribunal, Punjab on 05.09.2022.

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

May 17, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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