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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9950-2023

Date of Decision: 18.07.2023

Neelam Arora and others

. . . . Petitioners

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Keshav Gupta, Advocate
 for the petitioners.

Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Learned counsel for the petitioners submits that although there is an alternate forum for redressal of grievances under the Punjab Affiliated Colleges (Security of Service) Act, 1974 and Education Tribunal has been formed, but in the absence of coram of the said Education Tribunal, present Writ Petition has been filed before this Court.
2. I have considered the submissions.
3. Petitioners by way of this Petition have prayed as under:

“Civil Writ Petition under Article 226/227 of the Constitution of India praying for the issuance of an appropriate writ or order in the nature of Mandamus directing respondent No.4 to release the salary and pay scale of the petitioners in the scale of 15600-39100+6000 along with applicable allowances as per the orders of the respondent No.2 dated 16.3.2022 (Annexure P-3 to Annexure P-10)” and release the arrears of the pay w.e.f. the date as has been granted in the orders passed by the respondent No.2 dated 16.3.2022 (Annexure P-3 to Annexure P-10) with interest especially because the respondent college has withheld the payments even after receiving the grant in aid from the State of Punjab

AND

Further writ of Mandamus directing respondents to ensure timely payments of salaries to the petitioners as the salary is usually delayed;

AND

In the interim, the respondents be directed to pay the full salary of the petitioners.”

- 4. The Education Tribunal is already established and one member is already functioning.
- 5. In view thereof, it is not a case where the appeals cannot be filed before the Education Tribunal. Merely because a case may not be taken up on account of retirement or absence of one of the members on account of proceeding on leave, a Writ Petition would not lie directly to this Court.
- 6. Accordingly, present Writ Petition is dismissed with liberty to file an appeal before the Education Tribunal.

(SANJEEV PRAKASH SHARMA)
JUDGE

July 18, 2023
Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |