

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.1394 of 2017 (O&M)
Date of decision : 10.03.2023

Mrs. Harjinder Kaur

..... Petitioner

versus

President, S.D. College for Women & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Jaivir Yadav, Senior Advocate with
Mr. Nitish Sharma, Advocate
for the petitioner.

Mr. Vivek Salathia, Advocate
for respondents No.1 to 3.

Mr. Gaurav Tangri, Advocate
for respondent No.6.

PANKAJ JAIN, J. (ORAL)

This petition has been filed for issuance of directions to the respondents to make the payment of the amount due along with interest @18% p.a. to the petitioner and for setting aside the order dated 20.10.2011 (Annexure P-10).

On 28.02.2020 the following order was passed :-

“Reply filed by respondent Nos. 1 to 3 is taken on record.

For filing of replication, if any, post on 11.08.2020.

In the light of the objection raised as to the maintainability of this petition based on the decision of this Court in CWP No.25942 of 2012, titled 'Suresh Sharma V/s State of Punjab and others', and batch, learned counsel for the petitioner shall address the said issue on the next date of hearing.”

Today learned senior counsel appearing for the petitioner at the outset very fairly admits that the matter would be indeed covered by ratio of law laid down in ***Suresh Sharma's case supra*** and further that the intra Court appeal filed against judgment dated 11.04.2019 vide which ***Suresh Sharma's case supra*** was decided by single Bench also stands dismissed.

However, he asserts that keeping in view the time already spent before this Court as the matter is pending since 2017, the present matter be transferred and sent to the Educational Tribunal for passing appropriate orders so that the issue in hand is adjudicated expeditiously.

Learned counsel for the respondents are not opposed to such request made by the learned Senior counsel for the petitioner.

Keeping in view the ratio of law laid down in ***Suresh Sharma's case supra***, present writ petition is disposed off with the direction that the record of the present petition be sent to Educational Tribunal to proceed in accordance with law and decide the case accordingly.

Parties are directed to appear before the Educational Tribunal on 10.04.2023.

The present writ petition stands disposed off in the above terms.

(PANKAJ JAIN)
JUDGE

10.03.2023
Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No