

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 110

Civil Writ Petition No.16530 of 2023
Date of Decision: August 02, 2023

Sneh Lata alias Sneh Lala

..... PETITIONER(S)

VERSUS

State of Haryana and others

..... RESPONDENT(S)

...

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

...

PRESENT: - Mr. Vikram Singh, Advocate for the petitioner.

. . .

Tribhuvan Dahiya, J. (Oral)

This petition has been filed seeking a writ of *certiorari* quashing the order dated 19.04.2023 (Annexure P-7) passed by the Education Tribunal, Jind; and a writ of *mandamus* directing the respondents to grant all incentives and perks such as pay, allowance, etc. relating to her permanent post which are payable by Haryana State to all the permanent employees as per Haryana Education Code as scale of pay and dearness allowance.

2. Learned counsel for the petitioner contends that the Tribunal has wrongly declined the petitioner's prayer and dismissed the appeal on the ground that earlier decision of the Civil Suit No.167 of 2013, dated 18.09.2017, whereby it was held that the petitioner/plaintiff was not entitled to the declaration that she was permanent employee of the defendants since 01.08.1997, had not been challenged by her. He contends that the civil Court has no jurisdiction to try the civil suit, therefore, the decree passed is inconsequential, and is not required to be challenged by the petitioner.

3. Undisputedly, the claim raised by the petitioner before the

Education Tribunal was raised before the civil Court also, that she was entitled to incentives and perks relating to her permanent post which were payable by the State of Haryana to all permanent employees as per Haryana Education Code, and the consequential reliefs. Once the petitioner has invoked jurisdiction of the civil Court by filing the civil suit, which stands dismissed, he cannot be permitted to subsequently invoke jurisdiction of the Tribunal on the same cause of action for similar relief. This is a clear abuse of the process of law. Besides, the petitioner, despite having been granted the liberty to withdraw the civil suit and approach the Tribunal, failed to do so, and argued the case on merits leading to its dismissal finally, vide judgment and decree dated 18.09.2017. The same was not challenged by her.

4. Jurisdiction of the Education Tribunal is in addition to the jurisdiction conferred on the civil Court to decide the suit; it is not in derogation thereof. Therefore, it cannot be said that the civil Court decree is inconsequential. It has been passed on the basis of decision on merits of the case, which binds the parties therein, including the petitioner.

5. In view thereof, no exception can be taken to the impugned order, dated 19.04.2023, passed by the Tribunal which is well reasoned and based on proper appreciation of facts on record.

6. No other argument has been raised.

7. Dismissed.

(Tribhuvan Dahiya)
Judge

August 02, 2023

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Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No