

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-29000-2018 (O&M)
Date of decision : 27.04.2023**

LALA LAJPAT RAI INSTITUTE OF ENGINEERING & TECHNOLOGY
....Petitioner

Versus

MAHARAJA RANJIT SINGH STATE TECHNICAL UNIVERSITY &
ORS.
...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Vikas Kuthiala, Advocate
for the petitioner.

Mr. D.S. Bhinder, Advocate
for respondent No.1.

Mr. Virinder K. Shukla, Advocate
for respondent No.3

PANKAJ JAIN, J. (ORAL)

While issuing notice of motion on 29th of November, 2018,
following order was passed :-

“It is contended that the learned Educational Tribunal has erred in disposing of the present petition alongwith other bunch without giving opportunity to the petitioner/employer for bringing out the distinction that the services of respondent no.3- Charanpreet Singh/Professor were never terminated instead it was a case of resignation.

Notice of motion for 14.3.2019.

Notice re:stay as well.”

2. Counsel representing respondent No.3 refers to the order passed by the Tribunal to submit that in fact the order was passed on the concession given by the Counsel representing the Management.

3. Mr. Vikas Kuthiala, Advocate joins issue on that and submits that his concession was for the matters involving termination whether oral or in writing whereas the case of the petitioner related to the resignation.

4. Be that as it may, the matter is remanded back to the Educational Tribunal, Punjab to ascertain : *'whether the controversy in hand related to termination of an employee or resignation of an employee?'*

5. Till then impugned order dated 25th of September, 2018 will be kept in abeyance qua respondent No.3.

5. In case the Tribunal comes to the conclusion that it is a case of termination, concession given by counsel for the Management would be applicable to the present case as well and the case of the petitioner would abide by impugned order dated 25th of September, 2018. However, in case the Tribunal finds that it is not a case of termination verbal or in writing but that of a resignation tendered by the employee, the Tribunal shall proceed further to decide the controversy strictly in accordance with law and order dated 25th of September, 2018 shall be inconsequential and deemed to have been set aside.

6. Keeping in view the time already spent in the present lis, Tribunal is directed to decide the case expeditiously.

7. Writ petition is disposed off accordingly.

April 27, 2023

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No