

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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2024:PHHC:002676

CR-2989-2023
Date of decision: 10.01.2024

SWIFT GROUP OF COLLEGES AND ANR. ..Petitioners

Versus

MANU NAGRA ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.B. Raheja, Advocate
and Mr. P.K. Goklaney, Advocate
for the petitioners.

Mr. Nandan Jindal, Advocate
and Mr. Tushar Sabherwal, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. This revision petition has been filed by the judgment debtors. The dispute in the present case is with regard to the non-payment of salary to the respondent. He filed a civil suit, which was decreed on 04.04.2019, which in appeal has been upheld by the First Appellate Court on 08.04.2022. In the execution petition, the petitioners claims that the jurisdiction of the Civil Court is totally barred, however, the Executing Court dismissed the objection petition on the ground that the objection petition has been filed in order to delay the execution petition and the Civil Court cannot relegate the decree holder to the Punjab Educational Tribunal (hereinafter referred to as the 'Tribunal').
2. This Bench has heard the learned counsel representing the parties at length and perused the paperbook.
3. The learned counsel representing the parties do not dispute that the jurisdiction of the Civil Court is barred to entertain such claim. On

reading of the provisions of the Punjab Affiliated Colleges (Security of

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Service), Act, 1974, it is evident that the exclusive jurisdiction in this regard vests in the Tribunal.

4. A Coordinate Bench in ***Sushila Jindal Vs. State of Punjab and others, CWP-14861-2023, decided on 21.09.2023***, has also relegated the parties to the remedy before the Tribunal. The main purpose of an Executing Court is to implement an enforceable decree, however, before implementing such decree, the Executing Court has the competence to examine the question with regard to the jurisdiction of the Court particularly when the question of jurisdiction arises, as the decree passed by the Court without having jurisdiction shall be a nullity.

5. Keeping in view the aforesaid facts, the revision petition is allowed. The impugned order passed by the Executing Court on 29.03.2023, is set aside.

6. The respondent shall have liberty to file petition before the Tribunal.

7. Keeping in view the facts of the case, the Members of the Tribunal are requested to make a sincere endeavour for its expeditious disposal.

8. All the pending miscellaneous applications, if any, are also disposed of.

January 10th, 2024

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*