



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-7765-CWP-2024 IN/AND
CWP-11282-2014 (O&M)
Date of decision: 10.05.2024

Shashi Vohra
.....Petitioner
Versus
State of Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Yagsimant Attri, Advocate
for the petitioner.
Mr. Rajesh Sehgal, Addl. A.G., Punjab.
Mr. Varinder Singh, Advocate
for Mr. Sameer Sachdeva, Advocate
for respondents No.4 to 6.

NAMIT KUMAR J. (Oral)

CM-7765-CWP-2024

The present application has been filed under Section 151
CPC for transfer/relegating the accompanying Civil Writ Petition
No.11282 of 2014 to the jurisdiction of Educational Tribunal in view of
decision dated 11.04.2019 passed in CWP No.25942 of 2012 i.e.
Annexure A-1.

For the reasons mentioned in the application, the same is
allowed and the accompanying writ petition is ordered to be taken up on
Board today itself.



CWP-11282-2014 (O&M)

Prayer in this writ petition filed by the petitioner under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari, for quashing the action of respondents No.4 to 6 as intimated vide reply dated 15.04.2014 (Annexure P-7), in not releasing the payment of gratuity, leave encashment, CPF and other retiral dues. Further a writ of mandamus has been sought for directing respondents No.4 to 6, to release the payment of gratuity, leave encashment, CPF remaining pay of 26 days of last month of December, 2013 along with interest @ 18% per annum from the due date till actual payment.

Learned counsel for the parties are *ad idem* that the dispute being *inter se* the Management and the employee-petitioner, falls within the jurisdiction of the Educational Tribunal in terms of Section 7-A of the Punjab Affiliated Colleges (Security of Service) Act, 1974, therefore, the same may be transferred to the Tribunal for adjudication.

In view of the above and without commenting on merits of the case, the present petition is ordered to be transferred to the Educational Tribunal having the jurisdiction. Parties are directed to appear before it on 20.05.2024.

Registry is directed to send the record of this case to the Tribunal forthwith.

10.05.2024
yakub

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No