

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

243

CWP-20080-2021 (O&M)
Decided on :14.03.2024

Amit Aggarwal

. . . Petitioner

Versus

The Educational Tribunal, Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. R. K. Arora, Advocate
for the petitioner.

Ms. Amrita Garg, Asst. AG, Punjab.

Mr. B. S. Patwalia, Advocate and
Mr. Abhishek Masih, Advocate
for respondent Nos. 2 and 3.

Mr. Abhishek Jindal, Advocate and
Mr. Mithun, Advocate
for respondent No. 6.

VIKAS BAHL, J.(ORAL)

1. Present Civil Writ Petition has been filed under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of certiorari/mandamus quashing the order dated 12.07.2021 (Annexure P-1) passed by the Educational Tribunal, whereby the application of the petitioner for issuance of appropriate directions restraining the respondents from dispossessing the petitioner from the allotted residential accommodation, during the pendency of the petition, has been dismissed.

2. Short reply by way of affidavit has been filed on behalf of respondent Nos. 1 and 2 today in the Court and the same is taken on

record. A copy thereof has been supplied to learned counsel for the petitioner.

3. Learned counsel for respondent No. 6 has submitted that respondent No. 6 is a perma party and he does not wish to file reply.

4. On 01.10.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Counsel for the caveator has, thus, tried to build an argument that House No.1108, Taj Ganj, Samrala Road, Ludhiana was in occupation of the petitioner and his family members.

Same has also been clarified in the replication filed by the petitioner before the Tribunal that it was in the name of his father.

Notice of motion.

Mr.Patwalia accepts notice on behalf of the respondents.

In such circumstances, this Court is of the considered opinion that prima facie case is made out and the termination order of the petitioner is subject matter of challenge as he had worked for considerably long period and it was not that he was a contractual employee, rather his services were confirmed and he was a regular employee. In such circumstances, this Court is of the opinion that petitioner cannot be made homeless overnight. Accordingly, the Tribunal is requested to decide the appeal as early as possible. Interim orders are passed that status quo regarding possession shall be maintained till the decision by the Tribunal.

To come up on 15.03.2022.”

5. Learned counsel for the petitioner has submitted that petition No. 10 of 2021 (Annexure P-5) is pending before the Educational Tribunal, Punjab for 02.05.2024 and is fixed for arguments and has

submitted that the Educational Tribunal be directed to decide the said petition on the said date or within a time bound frame and the present interim order be continued till the time the said petition is decided.

6. Learned counsel for respondent Nos. 2 and 3 has submitted that the Educational Tribunal be directed to decide the petition independently, in accordance with law after hearing the counsel for both the parties and the interim order granted in favour of the petitioner be not construed as an expression on the merits of the case.

7. Learned counsel for other parties have given no objections to the said course of action.

8. Keeping in view the above facts and circumstances, the present petition is disposed of with the direction to respondent No. 1 to decide the petition No. 10 of 2021 (Annexure P-5) on 02.05.2024 or within a period of 3 weeks from the said date.

9. Learned counsel appearing before respondent No. 1 are requested to render full assistance to respondent No. 1 so as to enable respondent No. 1 to decide the case in the aforesaid period.

10. Till the matter is finally adjudicated by the Educational Tribunal, the interim order dated 01.10.2021 granted by the Coordinate Bench of this Court with respect to the status quo regarding the possession shall be maintained.

11. The grant of said interim order and the continuation of the same would not be construed as an expression on the merits of the case and the Educational Tribunal would decide the case independently, in accordance with law, after hearing counsel for all the parties concerned.

(VIKAS BAHL)
JUDGE

14.03.2024
Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/~~No~~
~~Yes~~/No