



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.216

CM-2006-CWP-2020 in /and
CWP-25349-2015 (O&M)

Date of Decision: 13.09.2024

Vishesh Bansal

.... Petitioner

Versus

District Judge-cum-Educational Tribunal,
Yamunanagar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Anshul Labana, Advocate for the petitioner.

Mr. Rahul Sharma, Advocate for respondents no.2 and 3.

Mr. Harish Rathi, Sr. DAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

With the consent of the parties, the main case is taken on Board.

2. The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the judgment, dated 02.11.2015, passed by the Educational Tribunal, Yamunanagar, whereby the petitioner's appeal seeking salary and allowances in terms of his letter of appointment as Lecturer in MCA, has been dismissed.

3. Learned counsel for respondents no.2 and 3/Management contends that during pendency of the petition, the petitioner was terminated from service on 16.09.2016. He challenged the termination by filing another appeal before the Educational Tribunal. During pendency of proceedings before the Tribunal, a settlement was arrived at between the parties and pursuant thereto the petitioner made a statement, dated 05.11.2016,



Annexure R-2/2, before the Lok Adalat that he did not want to pursue the appeal, and would also be bound to take back all the pending cases in other Courts as well as Hon'ble High Court. Accordingly, the appeal was dismissed as withdrawn by the Tribunal vide order dated 05.11.2016, Annexure R-2/3. After the settlement the petitioner is not entitled to maintain the instant petition.

4. Learned senior counsel for the petitioner, however, contends that the said statement was arrived at under compelling circumstances, and would not bind on the petitioner so far as the instant petition is concerned. He has filed a specific affidavit, dated 03.02.2020, explaining the circumstances that compelled him to enter into the statement; that he had applied for the post of PGT Mathematics advertised by Haryana Staff Selection Commission, and was to appear for interview on 07.11.2016. As per the criteria, he was entitled to sixteen marks for teaching experience, he had with the respondent-Institute. Since the experience certificate was not being issued to him, he entered into the settlement to get the certificate, and made the statement, dated 05.11.2016, before the Lok Adalat.

5. Heard.

6. It is not in dispute that the petitioner did enter into the settlement/compromise, and made a statement before the Lok Adalat, dated 05.11.2016, to the effect, *"Stated that I have reached a compromise with Respondents Nos.1 to 6 in the Lok Adalat and the details of the same are mentioned in the Application. Therefore, I do not want to pursue this appeal and I take back this appeal. In the same manner, I will be bound to take back all the pending cases in other Courts and the Hon'ble High Court. I now do not have any relation with this institution."* It is also not disputed that the settlement was acted upon by the parties as well. And the petitioner



Tribunal which was dismissed as withdrawn vide order dated 05.11.2016. He has not challenged the settlement arrived at before the Lok Adalat in any Court of law; in fact, it has been acted upon by him in withdrawing the appeal. At this stage, the petitioner cannot be allowed to wriggle out of the settlement he willingly arrived at in his own interest, that too on the basis of affidavit, dated 03.02.2020, filed after about three and half years from the date of settlement, contending that it was entered into under compelling circumstances with the specific purpose of obtaining the experience certificate. It is not his case that he was illegally forced into it by the respondents under duress; the only contention is that the circumstances compelled him to enter into the settlement to obtain the certificate. This is not a sufficient ground to refuse to honour the remaining part of the settlement – to take back the instant petition.

7. In view thereof, the petition stands disposed of as not maintainable.
8. Pending miscellaneous application(s), if any, stand(s) disposed of as having been rendered infructuous.

(TRIBHUVAN DAHIYA)
JUDGE

13.09.2024
Maninder

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No