



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

CWP-22326-2024 (O&M)
Date of Decision : 09-09-2024

GIAN SAGAR EDUCATIONAL AND CHARITABLE TRUST

.....Petitioner

VERSUS

**THE PRESIDING OFFICER, EDUCATIONAL TRIBUNAL PUNJAB
AND OTHERS**

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nandan Jindal, Advocate with
 Mr. Tushar Sabharwal, Advocate
 for the petitioner.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the prayer of the petitioner is for setting aside the order passed by the Educational Tribunal, Punjab wherein, a direction has been given to the petitioner, to release the salary for the month of October.

At the outset, learned counsel for the petitioner submits that though, there is no other record of paying the salary of the month of October 2015 to the respondent-employee but, the respondent-employee could not have claimed the said salary.

Learned counsel for the petitioner submits that the claim raised before the Educational Tribunal, Punjab upon which was filed in the year 2019, should have been dismissed as time barred. The reliance has been placed upon the judgment of the Hon'ble Supreme Court of India in Civil

Appeal No. 1854 of 1967 titled *“Anand Swarup Singh Vs. State of Punjab*, decided on 30.11.1971 as well as in CWP No.1236 of 1970 titled *“Sakal Deep Sahai Srivastava Vs. Union of India”*, decided on 27.11.1973.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

From the facts, which have been stated by the Tribunal in the impugned order dated 31.05.2024, copy of which has been appended as Annexure P-3, a clear finding has been recorded that the salary for the month of October, 2015 has not been paid by the petitioner to the respondent-employee.

Learned counsel for the petitioner has not been able to rebut the said finding with the help of any record to show that the salary for the month of October, 2015 was paid to the respondent-employee hence, in the absence of any record being shown to prove, the argument that the finding given by the Tribunal is arbitrary, illegal and contrary to the fact cannot be accepted.

The argument which has been raised by the learned counsel for the petitioner is that the issue of the grant of salary became time barred. It may be noticed that there is no timeframe under the Punjab Security of Service Act, 1974 to claim the dues admissible to an employee. Once, the jurisdiction of the Tribunal was invoked under the Punjab Security of Service Act, 1974 and the learned counsel for the petitioner has not been able to show any time limit/limitation provided to claim the benefit under the said Act, the argument that the claim of the respondent-employee for the salary, is time barred, cannot be accepted.

With regard to the judgments, which are being relied upon, the same relates to the filing of the civil suit and not with regard to the availing

the remedy under the 1974 Act. Once, a particular remedy is being claimed under a statute where there is no limitation to claim the benefit, the limitation provided to file the civil suit cannot be brought into operation to deny the legitimate claim of an employee for salary for the period he/she has worked.

No other argument is raised for interference by this Court.

Accordingly, the present petition is dismissed.

Pending application, if any, also stands disposed of.

09-09-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
 Whether reportable: YES/NO