

2024:PHHC:082838-DB



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No. 239 of 2024 (O&M)

Date of Decision: 07.05.2024

Upjit Singh and others

.....Appellants

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI, JUDGE

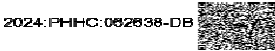
Present : Mr. R.S.Malik, Advocate, for the appellants.

Mr. Salil Sabhlok, Senior Deputy Advocate General, Punjab
for the respondents.

G.S. SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

The present appeal filed by the appellants is directed against the order dated 20.09.2023 passed by the learned Single Judge in Civil Writ Petition No. 25914 of 2015 whereby the learned Single Judge relegated the appellants to avail the remedy of appeal before the Educational Tribunal, Punjab relying upon the provisions of Section 7-A(12) of the Punjab Affiliated Colleges (Security of Service) of Employees Act, 1974.

2. Learned counsel for the appellants pointed out that what was challenged before the learned Single Judge was an order dated 28.10.2015 (Annexure P-18) passed by the Director, Education Department (S.S.), Punjab wherein the relief of medical and house rent allowance to recognized and aided school teachers and other employees according to 5th pay commission was denied. It is pointed out that the present matter was decided by the learned Single Judge on a date when the several matters were listed which were



regarding the colleges and on that account the mistake as such had occurred regarding the present matter which was pertaining to the employees of privately recognized aided schools. It is further pointed out that no such preliminary objection has been taken by the respondents in the written statement as noticed by the learned Single Judge in his order and there was no dispute with the management. Section 7-A (12) of the Punjab Affiliated Colleges (Security of Service) of Employees Act, 1974 reads as under:-

“7-A(12) The Educational Tribunal shall have jurisdiction to hear all cases of dispute between the ‘Managing Committees’ and the ‘employee’ as defined in this Court and the Punjab Privately Managed Recognized Schools Employees (Security of Service) Act, 1979”.

3. Learned State counsel thus does not oppose the prayer made in the appeal which necessarily has to be allowed in view of the above observations.
4. Accordingly, the present appeal is allowed and the impugned order dated 20.09.2023 passed by the learned Single Judge is set aside and the matter is remanded to the learned Single Judge for fresh decision on-merits in accordance with law.
5. List the matter before the learned Single Judge on 22.07.2024 as per roster.

(G.S.SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

07.05.2024

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No