



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

130

CWP-23433-2025

Decided On: 13.08.2025

BALWINDER SINGH

....PETITIONER(s)

Versus

**EDUCATION TRIBUNAL FOR EDUCATIONAL INSTITUTE AT
KURUKSHETRA AND OTHERS**

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Prabhjot Singh Mann, Advocate for the petitioner.

TRIBHUVAN DAHIYA J.(Oral)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the judgment dated 01.04.2025 passed by District Judge-cum-Educational Tribunal, Kurukshetra, whereby the petitioner's appeal seeking balance amount of salary, including allowances, provident fund (PF), gratuity on the basis of pay in the pay scale of ₹15600-39100, and arrears of annual increments, has been dismissed.

2. Learned counsel, at the outset, submits that the petitioner does not challenge the impugned order to the extent his termination from service has been upheld therein. The only contention is that he is entitled to the arrears of salary, allowances, gratuity, dearness allowance, etc., as claimed in the appeal. The due amount has been wrongly declined by the Tribunal on unfounded grounds.

3. Perusal of the judgment dated 01.04.2025, shows that the claimed relief of arrears of salary, gratuity and allowances, etc., has been held inadmissible after considering the relevant facts of the case, on the following reasoning:

The case that has been set up by appellant is that, quite contrary to appointment letter dated 06.11.2020, respondent



College has only paid Rs.15,000/- to him as salary, through they had assured to pay the remaining amount and to clear the arrears but they went back on their words. Thus, it has been prayed that respondent College be directed to pay provident fund (PF), Gratuity on the basis of pay in pay scale of Rs.15600/-39100/- and present DA (@97%) + HRA + Medical Allowance + PF allowance & other, as also to pay arrears of annul increments since beginning with interest @18% per annum.

At the outset, it needs to be pointed out that during the course of arguments, salary record (annexure 'Z') of all employees, whether 'Contractual', 'Ad hoc' or 'Regular', working in respondent College was directed to be placed on the case file. Dr. Arun Punyani, Principal, Dronacharya Degree College placed on record salary record (annexure 'Z') of the employees along with his affidavit. Perusal of the same goes to show that all employees, working in respondent College, were getting pay of Rs. 15,600/-, as also special allowance of Rs.1560/-. Thus, in all total salary of Rs.17,160 was being paid to these employees. Even genuineness of this record has not been disputed nor contents of aforesaid affidavit were questioned by appellant. There is nothing on record to show that differential treatment was being meted out to appellant by Collage Authorities, who were paying their 'regular employees pay in the pay scale of Rs.15,600/- along with said allowance and were deliberately not paying the same amount to appellant.

It has also been noted above that respondent College is affiliated to Kurukshetra. Surprisingly, no rule/bye-law issued by competent authority of Kurukshetra University, Kurukshetra has been placed on the case file to show that these made it mandatory for private unaided college to pay the same pay scale to its employees, as being paid to regular employees of Aided private College/Government College, affiliated to KUK.

The case of respondent College is that several misconduct committed by appellant came to their notice, repeated warnings were issued to him to improve his conduct, but finding no



appreciable change in his behaviour, his services were finally terminated. Several letters in support of their stand placed on the case file by respondent College, have already been referred to above. No contrary document to this effect was tendered by appellant to dislodge this stand of respondent College and to show his bonafide.

In so far as grant of gratuity is concerned, Section 4 of Payment of Gratuity Act, 1972 provides that:-

"Gratuity would be payable to an employee on the termination of his employment, after he has rendered continuous service for not less than five years".

Admittedly appellant has not rendered five years satisfactory service. His services were terminated in the month of April 2022, when misconduct committed by him came to the notice of College Authorities (he used to remain absent from duty and took with him answer sheets of various students etc). Therefore, for this reason, he is not entitled to the benefit of gratuity.

As regards, other allowances as in HRA, DA, Medical etc. are concerned, salary record (annexure 'Z') of all employees of respondent College, as referred to above, makes its quite clear that no such allowances are being paid to any all of them.

Further, appellant has not placed on case file any document, from where an inference can be drawn that employees working in regular basis in respondent College, are getting HRA, DA, Medical allowances etc., apart from pay scale of Rs. 15600-39100/-.

4. There is nothing on record to establish that the petitioner is entitled to salary in the pay scale given to regular teachers in the Government or aided Colleges. Nor has he been able to show that other College employees have been getting salary in the regular scale of pay. Facts placed on record about the pay actually being given by the College could not be disputed by the petitioner on the basis of any document or evidence of any kind. Besides, he



could also not dispute that he has less than five years' service in the College which disentitles him to payment of gratuity under the 1972 Act. Accordingly, there is no basis to sustain the claims raised by him. The impugned judgment is well reasoned, and suffers from no error of law.

5. As a consequence, the petition stands dismissed.

13.08.2025

Ad

Whether speaking/reasoned?
Whether reportable?

(TRIBHUVAN DAHIYA)
JUDGE

Yes/No
Yes/No