

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

Pronounced on: 17.08.2026

Uploaded on: 18.08.2026

Whether the operative part or full judgment is pronounced: **Full**

WP(C) No.1665/2024

MOHD. FAROOQ WANI & ORS. ...PETITIONER(S)/APPELLANT

Through: - Mr. Arshid Bashir, Advocate.

Vs.

CHAIRMAN J&K BANK AND ORS.	...RESPONDENT(S)
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*Through: - Mr. Tasaduq. H. Khawaja, Sr. Advocate, with
Mr. Naseer, Advocate.*

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER(ORAL)

1) Through the medium of the present writ petition, the petitioners have challenged order bearing Reference No.JKB/HR/Rectt/2024-391 dated 8th July, 2024, whereby the petitioners have been disengaged from their service as contractual Armed Guards with immediate effect and in lieu of one months notice, wages for the period of one month have been paid to them.

2) In their reply affidavit, the respondents have raised a preliminary objection with regard to maintainability of the writ petition on the ground of availability of an alternative remedy under the provisions of Industrial Disputes Act.

According to the respondents, the petitioners were "workmen and the dispute with regard to their disengagement is an industrial dispute within the meaning of Section 2(k) of the Industrial Disputes Act, therefore, it is only the Industrial Tribunal which has the jurisdiction to adjudicate upon the present case.

3) Heard and considered.

4) There is no dispute to the fact that the petitioners were workmen within the meaning of Section 2(s) of the Industrial Disputes Act and it is also not in dispute that the issue raised by them by way of present writ petition qualifies to be an industrial dispute in terms of Section 2(k) of the said Act. Section 7A of the Industrial Disputes Act vests power with the appropriate Government to constitute one or more Industrial Tribunals for adjudication of industrial disputes relating to any matter specified either in the Second Schedule or in the Third Schedule of the Act. Similarly, Section 7 of the Act vests power with the appropriate Government to constitute one or more Labour Court.

5) Discharge or dismissal of workmen including reinstatement or grant of relief to workmen wrongfully dismissed, are the subjects falling in the Second Schedule of the Industrial Disputes Act. Therefore, the Industrial

Tribunal or the Labour Court has got jurisdiction to adjudicate upon such type of disputes.

6) In the U.T. of J&K, no Industrial Tribunal has been constituted by the Central Government, which happens to be the appropriate government of the Bank. However, as per the provisions contained in third proviso to sub-section (1) of Section 10 of the Industrial Disputes Act, the Central Government is competent to refer the dispute, in relation to which it is the appropriate government, to a Labour Court or an Industrial Tribunal constituted by the State Government, meaning thereby that the Central Government is competent to refer a dispute for adjudication to a Labour Court or an Industrial Tribunal constituted by the State Government in even in a case where the Central Government is the appropriate government in relation to a particular dispute.

7) It is an admitted position that an Industrial Tribunal headed by an officer of the rank of District Judge is functioning in U.T. of J&K at Jammu as well as at Srinagar. Besides this, Labour Courts are functioning in both provinces of UT of J&K. The Central Government can easily refer the dispute, which is subject matter of the present petition, to any of these Tribunals or Labour Courts. Therefore, the petitioners can avail the remedy provided under the Industrial Dispute Act by seeking reference of disputes by the

Central Government to the Labour Court or the Industrial Tribunal constituted by the Government of UT of J&K.

8) For what has been discussed hereinbefore and in view of the availability of alternative and efficacious remedy of seeking reference of disputes to Industrial Tribunal located at Jammu/Srinagar and getting it adjudicated from the said Tribunal, the present writ petition is not maintainable. The same is, accordingly, dismissed along with connected CMs without rendering any opinion as to the merits of the case. The petitioners shall, however, be at liberty to avail the appropriate remedy as discussed hereinbefore.

SRINAGAR

17.08.2026

"Bhat Altaf-Szeg"

(Sanjay Dhar)
Judge

Whether the **order** is reportable: **YES/NO**