

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

Civil Revision No.749 of 2014

Date of decision: 24.04.2015

Shri Rajesh Kumar Tandon

... Petitioner

versus

Meyor Organics Private Limited and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: None.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The petition is pending since April 2014 from time to time at the request of the counsel for the petitioner. At the last hearing on 03.03.2015, I directed the counsel to address arguments on the maintainability of the civil revision. There is now a written request made for adjournment. I decline the same and proceed to dispose it off by examining the records.

2. The petitioner is an employee in a private Company and has sought for declaration that his termination from service is illegal, wrong, against the rules and utter violence of principles of natural justice. A denial of employment by termination by a private

Company, to which the provisions of Article 311 does not apply, cannot be brought means of a civil suit. The Specific Relief Act itself contains a bar against the grant of relief which has the effect of enforcement of the contract of service by virtue of Section 14(c). There are also case laws on the subject that limits the enforcement of contract of service only in 3 situations: (i) for a right protected under Article 311; (ii) for enforcement of contract of service of a Corporation which is a creature of a statute and (iii) where the provisions of the Labour Act are applicable and the Labour Court is competent to direct reinstatement. A Civil Court's right to direct reinstatement for employee in a private Company is impermissible. The suit itself is not competent. The civil revision is dismissed and the suit itself is directed to take off the file as not maintainable.

(K.KANNAN)
JUDGE

24.04.2015
sanjeev