

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

**CWP No.11614 of 2013 (O&M)
Date of decision: 12.03.2015**

Talwandi Rai Multipurpose Agricultural Cooperative Society Ltd.

... Petitioner

Vs.

Assistant Labour Commissioner, Circle No.4, Ludhiana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Harjot Singh Bedi, Advocate
for the petitioner.

Mr. L.S.Virk, Addl.A.G.Punjab

AMIT RAWAL J. (ORAL)

Despite service upon respondent No.3, no one has put in appearance on his behalf as noticed in the order dated 01.04.2014.

Learned counsel for the petitioner submits that respondent No.3 has availed alternative remedy qua termination of services by filing appeal before the Deputy Registrar Cooperative Societies, Ludhiana, under Rule 15 of the Punjab Cooperative Agricultural Service Society Service Rules, 1997 and the same was dismissed against which the revision has also been filed before the

Joint Registrar Cooperative Societies, Patiala which was still pending and thereafter, simultaneously, respondent No.3 had sought reference to the Industrial Tribunal and the Management has approached this Court to seek stay of the proceedings before the Labour Court. The workman cannot be permitted to avail both remedies simultaneously for the same cause of action.

This Court while issuing notice of motion had stayed the proceedings before the Labour Court vide order dated 27.05.2013 and the same is extracted herein below:-

“On oral request of the learned counsel for the petitioner, the Joint Registrar, Cooperative Societies, Punjab is impleaded as respondent No.4. Let a correction be made in the memo of parties.

Contentends that a revision petition under Rule 15(ii) of the Punjab Cooperative Agricultural Service Society Service Rules, 1997, which are statutory in nature, is pending consideration before the Joint Registrar Cooperative Societies, Patiala since 14.9.2012. Without waiting to exhaust that remedy, the respondent-workman raised an Industrial Dispute vide Annexure P-4, which has been referred to the Industrial Tribunal, Ludhiana vide reference dated 3.5.2013, in which the next date of hearing is 28.5.2013.

Notice of motion.

Mr. T.N. Sarup, Addl. A.G. Punjab, accepts notice on behalf of respondents No. 1 & 4 and waives service on the said respondents. Counsel for the petitioner undertakes to supply two sets of the paper book in the office of Advocate General, Punjab and one set of paper book to Mr. Sarup during the course of the day.

A direction is issued to the 4th respondent to decide the revision filed by the 3rd respondent within 30 days from the date of receipt of certified copy of this order. Needless to add that the 3rd respondent would be given an effective opportunity of hearing before passing final order against the punishment order dated 25.4.2011 terminating his services.

Notice to respondent No.2 is dispensed with.

Let notice be issued to respondent No.3 for 2.8.2013.

In the meantime, further proceedings before the Labour Court shall remain suspended.

Order dasti on payment of usual charges.

Learned counsel appearing on behalf of the Management-petitioner contends that revision petition, stated to have been filed by respondent No.3, has also been dismissed.

The present writ petition is allowed and the proceedings before the Labour Court are set aside/dropped. In view of the fact that revision petition filed by respondent No.3 has been dismissed, it

is made clear that respondent No.3 would be at liberty to avail remedy in accordance with law.

The writ petition is allowed.

(AMIT RAWAL)
JUDGE

March 12, 2015
savita