

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 10538 of 2015
Date of decision : May 27, 2015

Smt. Shehnaz

..... Petitioner

Versus

**Presiding Officer, Industrial Tribunal-cum-Labour Court, Circle-I,
Chandigarh and others**

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

**Present:- Mr. N. S. Sidhu, Advocate
for the petitioner.**

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

Amit Rawal, J (oral).

Learned counsel for the petitioner contends that the petitioner was appointed as Assistant Manager Grade-I in IDBI Bank and as per rule 4.21 of IDBI Rules the petitioner was served with charge sheet and disciplinary proceedings were initiated on 18.5.2012 which resulted in dismissal of the petitioner. Against the order of dismissal the petitioner filed a statutory appeal on 29.10.2012 which had also been dismissed on 13.3.2013 and thereafter raised an Industrial dispute which also resulted into dismissal.

Before the Labour Court the Bank raised a plea that the claim of the workman was not maintainable as he is not a

workman. A specific issue in this regard was framed. The Labour Court answered the aforementioned issue that the petitioner was discharging his duties as a teller in the bank, therefore would be considered as a workman. The finding of the Labour Court branding and holding the petitioner as a workman is apparently fallacious and illegal.

Be that as it may, learned counsel for the petitioner at this stage, submits that he may be permitted to withdraw the writ petition and challenge the order of dismissal in a civil suit, in case the finding rendered by the Labour Court may not come in his way.

The prayer of the learned counsel for the petitioner is fair and justified, particularly in view of the fact that apparently the petitioner is not a workman and therefore the Labour Court could not have entered into reference.

Accordingly the writ petition is dismissed as withdrawn. The petitioner is at liberty to challenge the order of dismissal as well as the order vide which the appeal has been dismissed by availing remedy in a civil court.

It is made clear that finding rendered by the Labour Court shall not come in his way, much less, the trial court shall not be influenced by the said finding.

(AMIT RAWAL)
JUDGE

May 27 , 2015
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