

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

**CWP No.19865 of 2011
Date of Decision: 2.09.2015**

Dr. Sanjeev Khera	Versus	... Petitioner
The State of Punjab & ors.		... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Jigyasa Tanwar, Advocate,
for the petitioner.

Ms. Puneet Sekhon, Addl.A.G., Punjab.

Mr. Samarth Sagar, Advocate,
for respondent No.3.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

Both the parties are *ad idem* that this matter is covered by a decision of this Court rendered in **Dr. Mohinder Kumar vs. State of Punjab and others**, Vol.CLXXVIII-2015-2 PLR 189, wherein it has been held that a medical doctor does not fall within the meaning of 'workman' under Section 2(s) of the Industrial Disputes Act, 1947 and therefore, the Labour Court has no jurisdiction to adjudicate the matter.

Therefore, the petition is disposed of with liberty to the petitioner to avail his alternative remedies as may be available to him as per law against the termination order dated 28.2.2003. In case, any proceedings are to be taken against the termination order, the chosen forum will keep in mind the provisions of Section 14 of the Limitation Act, 1963 and treat the period spent in this litigation as falling in the exemption clause of the Limitation Act, 1963 for the reason that the remedy was pursued by the petitioner in a bona fide belief that the case

fell within the jurisdiction available before the Labour Court and before this Court since the termination of services or the disengagement could not be adjudicated by invoking personally rights which were not available under pre-amended Section 2-A read with Section 10(1) (c) or Section 2(k) of the Industrial Disputes Act, 1947.

The petition stands disposed of accordingly.

2.09.2015
monika

(RAJIV NARAIN RAINA)
JUDGE