

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.15571 of 2015

Date of decision: 30.9.2015

Som Nath and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Aman Vashisth, Advocate for the petitioners

G.S.SANDHAWALIA, J, (Oral)

The relief claimed in the present writ petition is for issuance of writ in the nature of Mandamus directing the respondents not to debar the petitioners from performing their duties as Safai Karamchari and issue a direction to respondent no.3 not to give orders to the security guards preventing the petitioners from entering the premises to perform their duties.

It is not disputed that the legal notice dated 21.11.2014 (Annexure P/9) was served upon the said respondent no.3 on the ground that the petitioners have been working since the year 2009 and that their services were not being regularised and they were not being allowed to perform their duties. In pursuance of the said legal notice, the respondent-institute replied on 14.5.2015 (Annexure P/11) and has taken the plea that the petitioners were engaged through out sourcing agency M/s Sandhu Security and Allied Services, Jagadhri and it was being paid as per agreement. The persons mentioned in the legal notice had stopped coming to the institution since 20.7.2014 and the said agency had informed that they were not willing to serve the institution. The petitioners have been advised to approach the said security agency.

From a perusal of the reply, it is apparent that various disputed questions have arisen as to relationship of the employer and employees inter se and whether they are still in service or not. Such disputed questions cannot be gone into this Court in exercise of jurisdiction under Article 226 of the Constitution of India as per settled principle of law. **Reply**

to the legal notice also refers to the remedy the petitioners had resorted to in the Labour Court and the intervention of the Deputy Commissioner, Yamuna Nagar. The petitioners have an alternative and efficacious remedy available to them under the provisions of the Industrial Disputes Act, 1947 and before others forums.

In such circumstances, this Court is loath to interfere in the facts and circumstances of the present case.

Accordingly, the present writ petition is dismissed with liberty to the petitioners to resort to their alternative remedies.

September 30, 2015
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(G.S.SANDHAWALIA)
Judge