

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

Civil Writ Petition No.19167 of 2015

Date of decision: 11.9.2015

Mukesh Kumar and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.P.S.Jammu, Advocate,
for the petitioners.

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

RAJIV NARAIN RAINA, J. (Oral)

The action for enforcement or implementation of a settlement arrived at under Section 12(3) of the Industrial Disputes Act, 1947 during the course of conciliation proceedings does not lie before the writ Court in proceedings under article 226 of the Constitution of India. If workers are dissatisfied with the settlement, then the remedy is before the Industrial adjudicator by seeking a reference for adjudication of the dispute before the Labour Court.

It is well settled that a settlement under Section 18 of the Act can be replaced only by another settlement even if the terms of the previous settlement have turned out to be unfair and unjust. The writ does not lie against a memo of understanding as once placed in the case papers at P-3

dated 3.4.2014 to enforce it. The dispute is against a private employer which is a public limited company and not an instrumentality of State amenable to writ jurisdiction.

For the foregoing reasons, the writ petition is dismissed as not maintainable with liberty to the petitioners to avail their alternative remedies in accordance with law.

(RAJIV NARAIN RAINA)
JUDGE

September 11, 2015

Paritosh Kumar