

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

**CWP No.26517 of 2015
Date of decision: 19.12.2015**

Sher Singh

... Petitioner

Versus

State of Haryana & ors.

... Respondents

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

Present: Mr. Diwan S. Adlakha, Advocate,
for the petitioner.

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

RAJIV NARAIN RAINA, J.(Oral)

No ground for interference is made out in a pending domestic inquiry conducted by a private employer where the petitioner works. The complaint and the grievance is that the respondent management is not permitting the petitioner to engage the legal advisor of the workers' union to assist him in the conduct of the inquiry. That request has been rejected by the private management. No provision in the certified standing orders of the company has been shown to this Court that the functionaries of the Labour Department, Haryana are empowered to interfere in a domestic inquiry to compel the management to accede to the request of the petitioner to provide him assistance as sought. The machinery under the Industrial Disputes Act, 1947 can be activated on a dispute which is apprehended or is in existence. There is neither an apprehended nor any existing industrial dispute arisen between the parties thus far as defined under the ID Act. In the absence of any statutory

provision shown for consideration, a writ of mandamus would not issue to the respondents to perform acts and things in a particular manner which are not part of statutory duties vesting in the remaining respondents i.e in the Haryana Government and its functionaries in the labour department. If the petitioner is denied assistance in the inquiry through the person named or to engage a co-worker to help him with the inquiry, it is open to him at the appropriate stage to contend that such denial has caused prejudice to him in the inquiry and resulted in miscarriage of justice. It cannot be presumed in law that the petitioner will be unfairly dealt with in the inquiry proceeding. These are all matters which are imponderable at this stage and therefore, no interference is called for on the asking of the petitioner against a private company which is not amenable to writ jurisdiction and the petition being misconceived is ordered to be dismissed as not warranting interference in extraordinary writ jurisdiction without the right-duty nexus demonstrated to secure the relief prayed for in this petition *vis-à-vis* the petitioner and the official respondents.

(RAJIV NARAIN RAINA)
JUDGE

19.12.2015
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