

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.3346 of 2013 (O&M)

Date of Decision.08.09.2015

K.P. Gupta alias Krishna Gupta

.....Appellant

Versus

M/s Dainik Jagran, Hindi Daily and another

.....Respondents

Present: Mr. Rishav Jain, Advocate
for the appellant.

Mr. Ravinder Rana, Advocate
for the respondents.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The plaintiff cannot secure in Civil Court any mandatory injunction for re-employment of service so long as he is not covered under three categories which are recognized through several decisions. One, his service must be protected under Article 311 of the Constitution. Two, it shall be with reference to an employment protected by specific Rules brought through a Corporation which is a creature of statute. Three, the service must be protected under the provisions of any of the labour legislations for which the right of action will be available only through an industrial forum like Labour Court and not before the Civil Court.

2. The suit was incompetent for mandatory injunction and was rightly dismissed. I find no substantial question of law for consideration

in the second appeal. The second appeal is dismissed.

(K. KANNAN)
JUDGE

September 08, 2015
Pankaj*