

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4301 of 2011
Date of Decision:-09.11.2016.

Naresh Kumar

.....Petitioner

Versus

Presiding Officer and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: None for the petitioner.

Mr. Keshav Gupta, AAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

1.) Matter called twice. None appeared on behalf of the petitioner. Even perusal of the *zimini* order, it is evident that there is no representation on behalf of the petitioner on earlier occasions. Today matter is called and it is passed over once and there is no representation for the second time also. Thus, the matter is heard.

2.) The petitioner has questioned the award dated 13.4.2010 (Annexure P-8) by which his claim has been declined.

3.) The petitioner is stated to have been appointed as a daily wager in the Forest Department. His services were terminated on 8.8.1996. On 31.5.1999, the Labour Court passed award in his favour holding that the petitioner is entitled for reinstatement with continuity of service. Feeling aggrieved by the award dated 31.5.1999, the State preferred writ petition

before this Court. One of the legal ground urged by the State is that the Labour Court has no jurisdiction with reference to decisions of this Court as well as Supreme Court. The same was considered by this Court while deciding CWP No.5625 of 2003 filed by the State against the petitioner in which it was held that the Labour Court has no jurisdiction to decide the employee's service conditions who were working in the Forest Department for the reasons that Forest Department is not an industry. Despite that the petitioner suffered an order before this Court. The respondent-Forest Department sympathetically considered his grievance and reinstated him during pendency of CWP No.5625 of 2003 and he has joined on 8.10.2000. Thereafter, once again his services were terminated on 10.10.2007. Dispute was raised and the Labour Court passed an award on 13.4.2010 while declining relief to the petitioner. The petitioner's grievance has been rejected on the ground that he is not entitled for regularization etc. with reference to Uma Devi's decision. Thus, the petitioner has presented this petition questioning the award passed by the Labour Court dated 13.4.2010. Perusal of the records, it is evident that the petitioner already suffered an order in CWP No.5625 of 2003 insofar as jurisdiction of the Labour Court. Despite the fact that he has suffered an order before this Court in CWP No.5625 of 2003, once again he has approached Labour Court by raising a dispute and the Labour Court fell in error in not considering the plea of the State that the Labour Court has no jurisdiction in respect of the employees of the Forest Department. Since petitioner has already suffered an order in CWP No.5625 of 2003 insofar as jurisdiction of the Labour Court, therefore, the Labour Court could not have entertained and decided the matter having regard to the fact that this Court and Supreme Court have held that Forest

Department is not an industry. Consequently, raising a dispute by the employees of the Forest Department is without jurisdiction. In view of the above facts and circumstances, award passed by the Labour Court dated 13.4.2010 is set aside on the ground that Labour Court has no jurisdiction. Insofar as merit of the matter is concerned, the petitioner has to look out for remedy before the appropriate forum.

4.) Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

November 09, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.