

CWP No.3394-2013

[1]

In the High Court of Punjab and Haryana at Chandigarh.

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Date of Decision: 19.01.2016

Amarjeet Singh and others

...Petitioners

Versus

Presiding Officer, Industrial Tribunal, Ludhiana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Surjit Singh Chauhan, Advocate,
for the petitioners.

None for the respondents No.2 to 4.

SABINA, J.

Petitioners have filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of certiorari challenging the award dated 04.11.2011.

Learned counsel for the petitioners has submitted that the petitioners had raised a dispute that their services be regularized. However, during the pendency of conciliation proceedings services of the petitioners were terminated and the said act of the respondents No.2 to 4 amounted to unfair Labour practice.

None has appeared on behalf of the respondents No.2 to 4.

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In the present case, petitioners had served a demand notice that their services be regularized from the date of their appointment. Labour-Cum-Conciliation Officer served a demand notice dated 06.05.2005. Labour-Cum-Conciliation Officer vide letter dated 13.06.2005 (Annexure P-5) sent a notice to respondents No.2 to 4 to appear before him on 21.06.2005 along with relevant record. Thereafter letter dated 30.11.2006 (Annexure P-6) was written by Assistant Labour Commissioner to respondents No.2 to 4 as well as the petitioners to appear before him on 21.11.2006. Later the dispute was referred for adjudication vide Annexure P-3 to the Industrial Tribunal, Ludhiana.

The case of the respondents No.2 to 4 was that the petitioners had already been relieved on 31.05.2006 as they had been employed purely on temporary/ad hoc and contractual basis w.e.f. 09.05.2005 to 31.05.2006. The said letter dated 31.05.2006 has been placed on record as Annexure P-2.

Thus, in the present case, after the service of the demand notice by the petitioners dated 06.05.2005, they were relieved vide Annexure P-2. Respondents No.2 to 4 had put in appearance before the Labour-cum-Conciliation Officer. Since, the petitioners had been relieved vide Annexure P-2 w.e.f. 31.05.2006, the appropriate course for the petitioners was to

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challenge their termination by raising a dispute. The learned Tribunal rightly held that the reference sought by the petitioners seeking regularization of their services had been rendered infructuous as they had been relieved from their duty w.e.f. 31.05.2006 (Annexure P-2).

No ground for interference by this Court while exercising jurisdiction under Article 226 of the Constitution of India is made out.

Dismissed.

January 19, 2016
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(SABINA)
JUDGE