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

CWP No.26886 of 2014

Date of decision: February 17, 2016

Harnek Singh and others

.....Petitioners

Versus

Presiding Officer and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rakesh Gupta, Advocate
for the petitioners.

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 10.03.2014 (Annexure P-1).

Arksan Limited Workers' Union ('Union' for short) had raised an Industrial dispute by serving demand notice alleging that the Management had not lifted the lockout and had not allowed the workers to join their duties since 15.12.1997. The dispute raised by the Union was referred for adjudication by the appropriate Government to the Industrial Tribunal-cum-Labour Court, Chandigarh.

The case of the Union, in brief, was that out of 401 workers, 177 workers had settled their accounts and dispute remained only qua 224 workers. After 15.12.1997, the Management had not showed its readiness to lift the

lockout and allow the workers to join their duty.

Management in its written statement averred that earlier, similar demand had been served on the Management and vide award dated 02.04.2002, it had been held by the Industrial Tribunal-cum-Labour Court that there was no lockout and rather, the workmen were had gone on illegal and unjustified strike.

On the pleadings of the parties, following issues were framed by the Industrial Tribunal-cum-Labour Court:-

- "1. Whether the demand raised in the demand notice dated 26th August, 2003 made by the workers' union is genuine and justified, if so, to what effect and to what relief the workers are entitled to, if any?OPW
2. Whether the reference is not maintainable?OPM
3. Relief."

Parties led their evidence in support of their respective pleas.

The Industrial Tribunal-cum-Labour Court vide its award dated 10.03.2014 declined the reference sought by the Union. Hence, the present petition by the petitioners-workmen.

I have heard learned counsel for the petitioners and have gone through the record available on the file carefully.

Admittedly, Union had earlier raised dispute

against the Management and the same was adjudicated vide award dated 02.04.2002 published in the gazette on 16.05.2003. Since the dispute raised by the Union had already been adjudicated by the Industrial Tribunal-cum-Labour Court, the present dispute was barred by the principle of *res judicata*. The Industrial Tribunal-cum-Labour Court rightly came to the conclusion that the reference sought by the Union was liable to be declined as it was hit by the principle of *res judicata*.

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

Dismissed.

(SABINA)
JUDGE

February 17, 2016
mahavir