

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 26681 of 2016

Date of decision: 22.12.2016

Balraj Singh

... Petitioner

Versus

State of Haryana & ors.

... Respondents

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

Present: Mr. Rajiv Dhawan, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

The petitioner has made the following substantive prayers at the foot of the petition which are (b) & (c) and read as follows:-

“(b) Issue a writ of certiorari, thereby quashing the impugned inquiry report (P-2), being illegal, unjust, unconstitutional, arbitrary, perverse, against all canons of law, contrary to the provisions of the Industrial Disputes Act, 1947 and passed a perfunctory manner and thus retrenchment order and all other consequential orders are liable to be set aside;

(c) For the issuance of an appropriate writ particularly in the nature of mandamus, thereby directing respondent No.2 to reinstate the petitioner with continuity in service and full back wages.”

When industrial rights are claimed in a case arising out of departmental proceedings leading to dismissal then the petitioner will be taken to have exercised his option and elected his remedy before the industrial adjudicator under the Industrial Disputes Act, 1947. Accordingly, this petition is dismissed by relegating the petitioner to his remedy before the Labour Court. Moreover, the remedy before the Labour Court is an

alternative remedy for purposes of Article 226 of the Constitution. See law in ruling of Full Bench of this Court in Manohar Lal Vs. State of Punjab through the Secretary, PWD (PH), Punjab, Chandigarh &another, 1983 PLR 666; 1983 (2) ILR (Punjab) 576.

(RAJIV NARAIN RAINA)
JUDGE

22.12.2016
monika

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>