

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

Date of decision: 25.04.2016

CWP No.7488 of 2016

All Punjab Anganwadi Mulajim Union

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ravi Sharma, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

The prayer is for regularization of services sought by a registered Union of Anganwadi Workers. The Union has approached this Court without caring to append its list of members on behalf of whom relief is sought. It is not possible in writ jurisdiction to issue any direction on regularization of Anganwadi Workers through Article 226 in view of the Supreme Court judgment in Secretary, State of Karnataka & others Vs. Umadevi & others, (2006) 4 SCC 1. However, that does not mean that the workers, the Union represents, can be curtailed of their effective alternative remedies before the industrial adjudicator in which forum such prayers can be entertained and decided on evidence by espousal of the common cause or individually, but only after a dispute is raised with the Management by serving of notice of demand of justice on it. The availability of wholesome and equally efficacious statutory remedy of seeking reference under the Industrial Disputes Act, 1947 for adjudication before the Labour Court in a matter of regularization is a reason I think sufficient in declining to entertain of the present writ petition. Moreover,

in view of the 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, is appropriate in principle to apply to the case in hand. See also Uttranchal Forest Development Corporation Vs. Jabar Singh, (2007) 2 SCC 112, Transport & Dock Workers Union Vs. Mumbai Port Trust, (2011) 2 SCC 575.

Consequently, the present writ petition is dismissed with liberty to the petitioner Union and its constituent members to raise the issue in the appropriate alternative forum, as per advice tendered by their counsel.

[RAJIV NARAIN RAINA]
JUDGE

25.04.2016
Vimal