

LPA no. 28 of 2015 (O&M) 1

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

LPA no. 28 of 2015 (O&M)

Date of Decision :10.11.2016

Satish Kumar

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE DR. SHEKHER DHAWAN**

**Present : Mr.Ravi Malik, Advocate for
Mr. S.K.Panwar, Advocate for the appellant**

Mr. Gaurav Garg Dhuriwala, DAG, Punjab

MAHESH GROVER, J.

In the present appeal, the appellant impugns the judgment of the learned Single Judge dated 4.2.2014, dismissing his writ petition against the award of the Labour Court which had declined interference on the premise that proceedings were hit by principles of res judicata as the appellant had opted to challenge his termination dated 1.3.2001 by filing a civil suit which was dismissed on 14.3.2008 and the judgment of the Civil Court upheld in appeal on 19.4.2011. No second appeal was filed by the appellant. He raised an industrial dispute on 5.8.2011 after more than 10 years of his termination.

Learned counsel for the appellant contends that the jurisdiction of the Labour Court would not be barred and thus the findings of the learned Labour Court as also the learned Single Judge are erroneous.

Learned counsel for the respondent on the other hand contends with reference to the numerous precedents noticed in the impugned judgment to contend that the appellant was clearly precluded from raising a dispute regarding his termination before the Industrial Tribunal once having failed before the Civil Court.

After hearing learned counsel for the parties, we do not find any infirmity in the impugned order as it is the consistent law that a civil Court would have the jurisdiction to entertain and decide a dispute of the kind raised by the appellant. Having chosen one forum and failed upto the appellate Court, he would be clearly precluded from raising the same dispute before the Industrial Tribunal/Labour Court.

For the reasons stated in the impugned judgment based on the precedents The Rajasthan State RTC vs. Krishna Kant reported as 1995(5) SCC 75, Sukhi Ram vs. State of Haryana reported as 1982(1) SLR 663, Punjab Agro Industrial Corp. Ltd. vs. Presiding Officer, Labour Court, Union Territory, Chandigarh reported as 1993(1) PLR 633, State of Punjab and another vs Dharam Singh and another reported as 2004(8) SLR 327 and Rajasthan State Road Transport Corporation and another vs. Bal Mukund Bairwa reported as 2009(4) SCC 299 no ground to interfere is made out. Hence, instant appeal is dismissed.

(Mahesh Grover)
Judge

(Shekher Dhawan)
Judge

10.11.2016

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No