

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

(i) CWP No.14395 of 2013 (O&M)
Date of Decision : 24th March, 2017

Baldev Singh and others

..... Petitioners

Versus

Union of India and others

..... Respondents

(ii) CWP No.14472 of 2013 (O&M)

Smt. Bala Devi

..... Petitioner

Versus

Union of India and others

..... Respondents

(iii) CWP No.15736 of 2013 (O&M)

Lal Singh and others

..... Petitioners

Versus

Union of India and others

..... Respondents

(iv) CWP No.3051 of 2012 (O&M)

Baldev Singh and others

..... Petitioners

Versus

Union of India and others

..... Respondents

(v) CWP No.4825 of 2012 (O&M)

Ram Niwas and others

..... Petitioners

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

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

Mr. Puneet Gupta, Senior Panel Counsel
for Union of India in CWP Nos.14395 and 15736 of 2013.

Mr. Suvir Sehgal, Advocate
for Union of India in CWP No.14472 of 2013.

Mr. Vikas Thakur, Advocate
for Mr. Alok Jain, Advocate
for the respondent(s) in CWP Nos.3051 and 4825 of 2012.

Mr. Ashwani Bhardwaj, Advocate
for respondent Nos.4 to 15 in CWP No.14395 of 2013.

RAJIV NARAIN RAINA, J. (Oral)

The issues involved in the aforesaid cases would more suitably be redressed in the wholesome alternative remedy available to the petitioners before the Labour Court in an Industrial Disputes Act, 1947 setting by an evidence based adjudication. It is the view of the Full Bench judgment of this Court in Manohar Lal Vs. State of Punjab through the Secretary, PWD (PH), Punjab, Chandigarh & another, 1983 (2) SLR 658 : 1983 (2) ILR. (Punjab) 576 that the the remedy provided to a workman giving him right to claim a reference under Section 10 of the Act for the redress of his grievance is certainly an alternate remedy and does ordinarily bar the filing of a writ petition.

Accordingly, these petitions are disposed of by relegating the petitioners to seek the remedy of reference of the disputes which have come in existence from the appropriate Government/Central Government to the Central Government Industrial Tribunal-cum-Labour Court exercising jurisdiction over the subject matter. The Court hopes and trusts that the appropriate Government in relation to the disputes will consider making a reference within two months from the date of receipt of certified copy of this order. In case no order is passed within the time directed, then the 18 workers in the above petitions who constitute a class espousing each others cause will have liberty to directly approach the Tribunal and present their

statements of claim as a special measure to save time. It will be assumed that in the litigation before the Tribunal a dispute has already been raised and arisen in terms of Section 2(k) of the Act and it will not be an objection of the respondents that the dispute was not properly raised/made, since sufficient body of workers in these petitions have agitated their rights before this Court and form a Union by themselves. The parties are locked in contest and therefore neither mediation in this Court or conciliation by the Labour Commissioner's office can effectively restore peace and harmony.

Since the petitioners have served for substantial periods prior to 1990 and after 2008 in the organization, the respondent department of Central Government may continue to utilize the services in the same arrangements, if the exigencies of administration require as they may have acquired special skills handling horses.

This order expresses no opinion on merits of the industrial dispute/s for that will be in the domain of the Tribunal after reference of the dispute is registered for the trial to take place.

The petitions stand disposed of as above.

24th March, 2017
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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned *Yes*

Whether Reportable : *No*