

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

CWP No. 18667 of 2017

Date of decision : 08.11.2017

M/s TDS Management Consultant Pvt. Ltd.

...Petitioner

V/s

Postgraduate Institute of Medical Education & Research,
Chandigarh & anr.

...Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vinish Singla, Advocate for the petitioner.

Mr. Amit Jhanji, Advocate for respondent no. 1.

Mr. Sandeep Suri, Advocate for respondent no. 2

RAJAN GUPTA J.

Petitioner has invoked the writ jurisdiction of this court for issuance of writ in the nature of certiorari to quash impugned order dated 10.08.2017 whereby respondent no. 1 has directed the petitioner to pay pending bonus to the employees within ten days failing which bank guarantee furnished by it would be encashed to disburse the bonus to the employees. While issuing notice of motion, this court had restrained respondent no. 1 from encashing the bank guarantee till the next date of hearing. Mr. Jhanji, learned counsel for respondent no. 1 today submits that there is an arbitration clause in the agreement entered into by the petitioner. Petitioner has efficacious remedy in view of provisions of the Arbitration Act, 1996. This court finds substance in the plea.

Under the circumstances, this petition is disposed of with liberty to the petitioner to seek alternative remedy, if so advised. The bank

guarantee furnished by it shall not be encashed by the respondent-Institute
for a period of another two weeks.

November 08, 2017
Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No