

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 22130 of 2017
Date of decision: 27.09.2017

Sube Singh

....Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Ms. Abha Rathore, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks a writ in the nature of mandamus under Article 226 of the Constitution of India directing the respondents to grant regular appointment to him with all consequential benefits and regular salary from 1978-79 alongwith arrears with interest @ 12% per annum.

It is not disputed that the petitioner's services were retrenched way back in 1979-80. A reference had been preferred before the Labour Court which was decided in his favour on 14.01.1987 (Annexure P-1) and the following relief was granted:-

“For the foregoing reasons on the basis of my findings on issue No. 1 reinstate the workman with continuity in service and as well as with full back wages, and also order that his services were regularised from 1978-79.”

The same was upheld by the learned Single Judge on 23.08.2006 (Annexure P-2) and thereafter by the Division Bench on 04.10.2008 (Annexure P-3). The SLP of the respondent-employer was dismissed on 08.07.2014 (Annexure P-4). An office order dated

18.04.2015 (Annexure P-5) has also been passed in favour of the petitioner by Managing Director, that the petitioner be reinstated with continuity in service and as well as full back wages and his services are to be regularised from 1978-79.

It is, thus, apparent that the dispute has already been settled and it is always open to the petitioner to get the said relief implemented through his alternative remedy by approaching the Labour Court if some grievance remains unaddressed. The principle has been settled by the Apex Court in ***United Bank of India vs. Satyawati Tondon and others, 2010 (8) SCC 110*** that this Court is not to exercise its extra ordinary jurisdiction once there is an alternative and efficacious remedy available to the parties.

Disposed of accordingly.

27.09.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No