

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

107

CWP No.24486 of 2017

Date of decision: 06.11.2017

Anoop Rani

....Petitioner

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Rakesh Dhiman, Advocate
and Mr.Ranjikant Upadhyay , Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Petitioner challenges the findings recorded by the Labour Court dated 11.01.2005 (Anneuxre P-1) after more than a decade, whereby it was held that the petitioner was engaged as Baildar in August, 1995.

The argument raised by the counsel is that now, vide documentation, as such, which has come to her notice that the appointment was of the year 1995 and not 2001. Reliance has been placed upon the communication dated 07.07.2005 (Annexure P-4) *inter se* the department. It is not disputed that it was the case of the petitioner herself that the appointment was of the year 1995, which fact had been controverted by the respondents and a stand had been taken that she was appointed in January, 2001 as Baildar. It had been specifically denied that she had been made to work as Steno-Typist since 1995. Before the Labour Court, nothing could be placed on record in the form of evidence that the petitioner had been appointed in the year 1995. However, while noticing that there was an admission that she was appointed in January, 2001 and the retrenchment was in October, 2001, the Labour Court came to the conclusion that she had performed her duties as Baildar and not as Steno-Typist and having rendered more than 240 days of duty, resultantly, she was granted the benefit of reinstatement, in view of the fact that the provisions of Industrial Disputes Act, 1947 had been violated.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
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107

CWP No.24486 of 2017

-2-

The said award has, now, sought to be challenged by way of present writ petition, which, in the opinion of this Court, is not permissible by way of writ jurisdiction, as now, disputed questions of facts are arising. At that point of time, petitioner had not been able to bring on record any material, as such, to substantiate the plea of appointment in August, 1995. It is settled principle that a writ Court cannot go into disputed questions of fact and therefore, the claim, as such, for setting aside of the award and the findings recorded by the said Court, cannot be adjudicated in the extraordinary writ jurisdiction.

Merely because the petitioner has filed another writ petition challenging the order of regularization dated 27.10.2014 (Annexure P-14), which is w.e.f. 07.07.2014, keeping in mind that the petitioner was appointed on 01.01.2001, would not be, as such, a ground to interfere with the findings recorded by the Labour Court which has become final *inter se* the parties and the petitioner was a beneficiary of the same. Even otherwise also, the principle of delay, laches and acquiescence would stand in the way of the petitioner.

Accordingly, in the opinion of this Court, the present writ petition, for grant of the necessary relief, is not maintainable and the same is, hereby, dismissed in limine. However, it will be open to the petitioner to seek any other appropriate remedy, in accordance with law, if she so desires, as the present writ petition is dismissed in view of the above given reasons.

06.11.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*