

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

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Letters Patent Appeal No. 326 of 2017 (O&M)
Date of Decision: 03.03.2017

Ram Pal ..Appellant

versus

State of Haryana and others ..Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Karanvir Singh, Advocate, for
Mr. Vijay Singh, Advocate, for the appellant.

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RAMENDRA JAIN, J.

1. The appellant has filed the instant Letters Patent Appeal under Clause X of the Letters Patent challenging the judgment dated 31.1.2017 passed by the learned Single Bench, dismissing Civil Writ Petition No.512 of 2017 filed by the petitioner (appellant herein).

2. Briefly stated, the appointment of the appellant as a driver was cancelled vide order dated 29.12.2010 (Annexure P-3) passed by the Joint Director, District Industries Centre, Kaithal (for short “DIC”) (respondent no.3) intimating the appellant that his services are discontinued, because the vehicle of DIC, Kaithal, had been transferred to DIC, Rewari. Thereafter, the appellant was appointed on contract basis in the office of the Director,

Industries and Commerce, Haryana (respondent no.2) on D.C. rates for the

period not exceeding six months or till the regular appointment of drivers are made through the Employment Exchange or the Haryana Staff Selection Commission, whichever is earlier and his services were extended from time to time. Resultantly, the appellant worked with the respondent-department till 06.01.2017 without any gap in service. However, vide order dated 04.01.2017 (Annexure P-7), respondent no.2 informed the Deputy Director, DIC, Kaithal, that since the appellant was not having valid driving licence of transport category and therefore, in his place, Shri Surender (respondent no.4) has been deputed on contract basis for official use. Against the said order, the petitioner had filed Civil Writ Petition No.512 of 2017 before this court and without entertaining the same, it was disposed of by the learned Single Judge by granting liberty to the appellant-petitioner to raise industrial dispute before the appropriate authority in accordance with law.

3. Learned counsel for the appellant contended that the learned Single Judge had lost sight of the fact that the appellant was appointed on contract basis and he had put in more than five years of service to his credit. The appellant, being an employee of the State Government, was fully eligible to challenge his illegal termination by way of filing Civil Writ Petition before this court. He further argued that the services of the appellant were illegally and arbitrarily terminated on the ground that he was not having a valid driving license, though he was driving the same vehicle on the same license for the last five years. Learned counsel for the appellant has further contended that the services of the appellant were terminated without serving upon him a mandatory notice under Section 25F of the Industrial Disputes Act, 1947 (hereinafter referred to as the “Act”) and, therefore, the writ petition was maintainable.

4. We have given our thoughtful considerations to the submissions made by the learned counsel for the appellant.

5. The Civil Writ Petition No. 512 of 2017 filed by the appellant-petitioner was disposed of vide impugned order dated 31.1.2017 passed by the learned Single Bench with the following observations:-

“ I am of the view that it is basically an industrial dispute and accordingly, the present writ petition is disposed of with liberty to the petitioner to raise the said industrial dispute in accordance with law before the appropriate authority/Court, if so advised.”

6. There is no denying fact that a special Industrial Tribunal has been constituted under a specific enactment called as 'The Industrial Disputes Act, 1947' to deal with such types of disputes, as has been raised by the appellant in the instant appeal. However, it was incumbent upon the appellant to raise his grievance before the learned Tribunal instead of approaching this court by filing writ petition invoking extra-ordinary writ jurisdiction conferred by Articles 226/227 of the Constitution of India. It would be appropriate to mention that such type of petitions are filed without exhausting the statutory forums which, ultimately, have unnecessarily flooded this court with unwanted litigation, irrespective of the fact that an alternative efficacious remedy is available and can be availed of by knocking at the door of the appropriate forum.

7. In view of the foregoing reasons, we do not find any ambiguity or impropriety in the impugned order dated 31.1.2017 passed by the learned Single Judge and as such, the same is hereby affirmed.

8. The Letters Patent Appeal is, accordingly, dismissed.

9. Registry is directed to bring this order to the notice of the respondents so as to avoid any concealment of this order by the appellant.

(RAMENDRA JAIN)
JUDGE

03.03.2017
VK

(AJAY KUMAR MITTAL)
JUDGE

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| 1. | Whether reasoned/speaking | Yes/No |
| 2. | Whether reportable | Yes/No |