

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

CWP No. 9958 of 2018

Date of Decision: 24.04.2018

Vijender and others

...Petitioners

Vs.

Haryana Agro Industries Corporation Limited and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Arvind Seth, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

The petitioners have been out of service with the Corporation since June 2017. They complain that they should not have been replaced by private respondents. Private respondents have been working since a long time and now have developed vested rights. They approached the Court in April, 2018 after almost a year. The petitioners are on contract through an intermediary Labour Contractor.

Having once worked in petrol pumps run by the Corporation leased to Indian Oil Corporation, it would not be possible to mechanically apply the theory of contract not being replaced by a contract employee in the present case. Several disputed questions of fact would arise as to the direct relationship of employer and employee which can be more appropriately decided by the Labour Court as issues arising under the Contract Labour (Regulation & Abolition) Act, 1970 would also have to be considered and the principles laid down by the Supreme Court in Steel Authority of India Limited and others Vs. National Union Waterfront Workers and others; (2001) 7 SCC 1.

With the above observations, the petition is dismissed. The petitioners are relegated to their alternative remedy before the Labour Court.

(RAJIV NARAIN RAINA)
JUDGE

24.04.2018

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No