

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

**CWP No. 2853 of 2019**

**Date of Decision: 07.03.2019**

Ashok

...Petitioner

Vs.

The Presiding Officer, Industrial Tribunal and Labour Court Rohtak and  
another

...Respondents

**2. CWP No. 2861 of 2019**

Krishan Kumar

...Petitioner

Vs.

The Presiding Officer, Industrial Tribunal and Labour Court Rohtak and  
another

...Respondents

**3. CWP No. 2869 of 2019**

Satyajeet

...Petitioner

Vs.

The Presiding Officer, Industrial Tribunal and Labour Court Rohtak and  
another

...Respondents

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

Present: Mr. Surinder Gandhi, Advocate  
for the petitioner(s).

**RAJIV NARAIN RAINA, J. (Oral)**

1. This is the case of oral termination of a Sweeper from the Police Department brought about on 06.07.2014. The petitioner raised an industrial dispute by serving demand notice dated 29.04.2017. The conciliation proceedings are said to have taken place and ultimately the claim application was filed on 29.04.2017 directly under amended Section 2-A of the Industrial Disputes Act, 1947. The Labour Court has dismissed the reference on the ground of limitation, the action being

barred by 15 days. The amended provisions of Section 2-A (3) provide limitation of three years from the cause of action.

2. Challenge in the petition is to the award dated 30.07.2018 made by the Presiding Officer-cum-Labour Court, Rohtak. However, while dismissing the petition as time barred, the Tribunal has left window open to the petitioner observing that in case there is made a reference under Section 10 of the Industrial Disputes Act, 1947 by the appropriate Government, then the claim of the petitioner shall be dealt with on merits. Though there is nothing wrong with the order of the Labour Court as far as dismissal of the writ petition is concerned on ground of bar of limitation, but Mr. Gandhi submits that after the dismissal of the reference, the workman has approached the appropriate Government by raising a fresh demand notice dated 05.10.2018, but, he has no clue on the status as to his request.

3. He further submits that in case the dispute is espoused by a Union of workers in the Police Department or a Union to which the employees may be affiliated then it should be left open for the petitioner to consider the possibilities of raising a dispute under Section 2(k) read with Section 10(1)(c) and Section 2-A of the Industrial Disputes Act, 1947. These liberties are granted to the petitioner while dismissing the petitions on the ground of maintainability in the Labour Court. If the demand notice is pending with the Labour Department/appropriate Government, direction is issued for consideration of that notice for

purposes of reference of the industrial dispute regarding legality of termination of service.

- 4. The writ petitions stands disposed of with the liberty.
- 5. This order will apply to the other two connected cases *mutatis mutandis*, which are disposed of in the same terms.

07.03.2019  
kv

(RAJIV NARAIN RAINA)  
JUDGE

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