

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113

CR-2101-2020

Date of decision: 05.08.2020

RAKESH KUMAR RATTAN

....Petitioner

versus

GODREJ AGROVET LTD. AND ANOTHER

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. H.S. Saini, Advocate
for the petitioner.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner-Rakesh Kumar, stated to be aged 57 years, has filed the present petition *inter alia* with a prayer to set aside the impugned order dated 09.07.2020 (Annexure P-5), passed by the learned trial Court, whereby, the application under Order 39 Rule 1 & 2 read with Section 151 CPC filed by the petitioner along with the suit, seeking injunction restraining respondents from terminating/rusticating the petitioner/plaintiff from his job or demoting him from the post of Assistant Manager and transferring him from Khanna to any other place.

Learned counsel, by making reference to order dated 09.07.2020, submits that the Court had directed issuance of notice on the injunction application, for 22.07.2020. It was deemed appropriate to direct that

injunction application will be decided after hearing the defendant.

On asking of the Court that as to what happened on 22.07.2020, learned counsel submits that on 21.07.2020 i.e. prior to 22.07.2020, the case was taken up on entrustment and the Court issued notice to the defendants through registered cover, for 13.08.2020. Learned counsel then submits that since the case was not taken up on 22.07.2020, the Court could not be apprised that the defendants already stand served before 22.07.2020.

At this stage, learned counsel makes a prayer that the petitioner/plaintiff is at the fag end of his carrier. He is presently 57 years of age and left with 2-3 years of his service. At this stage, to demote the petitioner from the designation of Assistant Manager to Consultant, by lowering his pay from over Rs.1,00,000/- to Rs.40,000/- and further transferring him out of the office of Khanna in this COVID-19 situation, is clearly arbitrary and amounts to unfair labour practice/colourable exercise of power.

In view of peculiar facts and circumstances, this Court deems it appropriate to dispose of the present petition with a direction to the trial Court to take up the matter of interim application on 13.08.2020 itself and pass an appropriate order in accordance with law.

Accordingly, the present Civil Revision stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

05.08.2020

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Whether speaking/ reasoned:
Whether Reportable:

Yes/No
Yes/No