

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109)

CWP no.17952 of 2020

Date of Decision: 02.11.2020

Birendera Bhandari

...Petitioner

Versus

The Director, Forest Research Institute and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Saurabh Gautam, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, filed under the provisions of Article 226/227 of the Constitution of India, the petitioner seeks issuance of a writ in the nature of certiorari, quashing the advertisement dated 11.08.2020 (Annexure P-5), with a further prayed made for issuance of a writ in the nature of mandamus, directing respondents no.1 to 3 not to fill the post and position on which the petitioner is working, as the matter for regularization of the petitioners' services, is pending before the CGIT, Chandigarh.

Upon query by this court as to how this Court would have jurisdiction over the matter in view of the fact that the respondents, whose action the petitioner is challenging, are all based in Dehradun, he submits that the Central Government (in the Ministry of Labour), vide its order dated 06.08.2020 (copy Annexure P-4), has referred a dispute raised vide a demand notice raised under the provisions of the Industrial Disputes Act, 1947, to the Central Government Industrial Tribunal, Chandigarh.

Upon query to him as to whether there is any Industrial Tribunal established by the Central Government as regards disputes arising in the State of Uttarakhand, in terms of the provisions of the Act of 1947, he very fairly submits that there is no such Tribunal existent there.

That being so, obviously the reference of the dispute under the Act of 1947, to the Tribunal at Chandigarh, is on account of the fact that the said Tribunal has jurisdiction over disputes arising in Uttarakhand also.

That however would not mean that this court would acquire jurisdiction as regards any action being taken by any authority situate within Uttarakhand, and consequently the jurisdiction to entertain any petition challenging any such action by such authority, would be before the High Court of Uttarakhand.

Upon the aforesaid observation being made, learned counsel submits that he may be permitted to withdraw the present petition, with liberty to approach the Uttarakhand High Court at Nainital.

Dismissed as withdrawn, with the aforesaid liberty, with obviously no comment made on the merits of the case.

02.11.2020
vegarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No