

S.No.105

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

CWP No.22287 of 2020 (O&M)

Date of Decision:22.12.2020

Escorts Goetze Employees Union Regd.

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ravi Gakhar, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition filed under Article 226/227 of the Constitution of India seeking issuance of writ in the nature of certiorari quashing the impugned Meeting Proceeding Order dated 24.11.2020 passed by respondent No.5 without jurisdiction in violation of statutory provisions of Industrial Relations Code, 2020, Constitution of Trade Union and Resolutions dated 19.11.2020 passed by Union preponed the date of elections from 23.01.2021 to 26.12.2020.

Mr. Saurav Bhatia, Advocate for Mr. S.S. Rangi, Advocate has put in appearance on behalf of other candidates who are contesting the elections, qua which direction has been sought in the present petition, and has pointed out that the petitioner has filed Civil Suit No.1917 of 2020 before Additional Civil Judge (Senior Division), Patiala for seeking injunction qua interference in the process of the same election. The suit is

still pending. The Civil Court has not accepted the prayer of the petitioner for ex-parte injunction and has fixed the case for further hearing. By not disclosing the pendency of the civil suit, the present petition, has been preferred by the petitioner. Hence, the petition deserves to be dismissed on this score alone.

Without commenting upon merits of the case, this Court deemed it appropriate not to interfere in the matter because the issue relating to the election involved in the present petition is stated to be already pending before the Civil Court. Hence, the present petition is dismissed. However, the petitioner would be at liberty to raise all pleas, which are available to him in accordance with law, before the Civil Court.

December 22, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No