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

1. CWP-8347-2021
Date of decision : 19.04.2021

Narender Kumar ...Petitioner

Versus

State of Haryana and others ...Respondents

2. CWP-8382-2021
Date of decision : 19.04.2021

Deepesh Gupta ...Petitioner

Versus

State of Haryana and others ...Respondents

3. CWP-8383-2021
Date of decision : 19.04.2021

Chander Parvesh Jangra ...Petitioner

Versus

State of Haryana and others ...Respondents

4. CWP-8384-2021
Date of decision : 19.04.2021

Pritamsinh Thakur ...Petitioner

Versus

State of Haryana and others ...Respondents

5. CWP-8385-2021
Date of decision : 19.04.2021

Bappaditya Kola ...Petitioner

Versus

State of Haryana and others ...Respondents

6. CWP-8386-2021
Date of decision : 19.04.2021
Vipin Prahlad Singh ...Petitioner
Versus
State of Haryana and others ...Respondents
7. CWP-8387-2021
Date of decision : 19.04.2021
Naveen Kumar Katyal ...Petitioner
Versus
State of Haryana and others ...Respondents
8. CWP-8389-2021
Date of decision : 19.04.2021
Dinesh Sharma ...Petitioner
Versus
State of Haryana and others ...Respondents
9. CWP-8390-2021
Date of decision : 19.04.2021
Sunil Kumar ...Petitioner
Versus
State of Haryana and others ...Respondents
10. CWP-8393-2021
Date of decision : 19.04.2021
Nidhi Gupta ...Petitioner
Versus
State of Haryana and others ...Respondents
11. CWP-8394-2021
Date of decision : 19.04.2021
Sushil Kumar Mathur ...Petitioner
Versus
State of Haryana and others ...Respondents

12. CWP-8395-2021
Date of decision : 19.04.2021

Pradeep Kumar ...Petitioner

Versus

State of Haryana and others ...Respondents

13. CWP-8398-2021
Date of decision : 19.04.2021

Kushal Kumar Chaurasia ...Petitioner

Versus

State of Haryana and others ...Respondents

14. CWP-8399-2021
Date of decision : 19.04.2021

Amar Gupta ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Sougata Sarkar, Advocate for the petitioner.
(In all the writ petitions)

(The proceedings are being conducted through video
conferencing, as per instructions)

G.S. SANDHAWALIA, J. (ORAL)

By this common order, CWP No.8347 of 2021, CWP Nos.8382 to 8387 of 2021, CWP Nos.8389 and 8390 of 2021, CWP Nos.8393 to 8395 of 2021, CWP Nos.8398 and 8399 of 2021, shall stand disposed of. The facts are being taken from CWP-8347-2021.

The petitioner seeks quashing of order dated 19.02.2021

(Annexure P-9) of the Labour Commissioner under Article 226/227 of the Constitution of India. Vide the said order, the petitioner has been referred to the Labour Court/Industrial Tribunal while framing the question whether the closure of the organisation by the respondent Management No.2 is real or it is just an excuse for termination of services of the employees. Challenge is also being raised to the order dated 18.12.2020 (Annexure P-5), whereby respondent No.2-Company had issued notice of the retrenchment/termination of the services of the petitioner on account of closure of its Haryana Office.

Counsel has submitted that the petitioner was employed wayback on 14.06.2010 (Annexure P-1) and thereafter have been continuing with the company and the company should be enjoined from employing any person afresh.

A perusal of the order dated 18.12.2020 (Annexure P-5) would go on to show that in terms of appointment letter dated 14.06.2010, notice period of two months was given till 15.02.2021. The details of entitlement of severance compensation package was also liable to be paid as mentioned in the said letter. The petitioner, as noticed, aggrieved against the closure of the company and its alleged mala fide intention on the ground that company was shifting from Delhi NCR to Mumbai and other employees as such have also been hired filed representation (Annexure P-8) to the Deputy Labour Commissioner-I. It is on that basis the matter has been referred to the Industrial Tribunal.

Section 7-A of the Industrial Disputes Act, 1947 provides that the Industrial Tribunals may adjudicate on the Industrial disputes pertaining

to any matter, whether specified in the Second Schedule or the Third Schedule and for performing such other functions as may be assigned to them under Act. Clause 10 of the Third Schedule talks about the retrenchment of the workman/closure of the establishment. In such circumstances, once there is efficacious remedy as such stated to have been provided to the petitioner, this Court does not deem it fit to entertain the writ petition filed under Article 226 of the Constitution of India.

More so over, respondent No.2 is a private limited company and, therefore, the maintainability of the writ petition against the said company as such is not made out. The Apex Court in **United Bank of India Vs. Satyawati Tandon and others, (2010) 8 SCC 110**, has discussed the issue of efficacious alternative remedy which is available and in such circumstances, the extraordinary writ jurisdiction of the Writ Courts cannot be invoked.

Keeping in view the above facts, since the issue of closure of Haryana Office and whether the company is hiring fresh person, would be a matter as such of evidence. The order of Deputy Labour Commissioner, Circle-I, Gurugram referring the matter cannot be held to be illegal in any manner, which can be interfered in under Article 226 of the Constitution of India.

Accordingly, all the writ petitions are dismissed in limine.

19.04.2021
Pawan

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No