

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

112

CWP No.9351 of 2022 (O&M)
DATE OF DECISION : 17th MAY, 2022

**Haryana Distillery Limited, Yamuna Nagar through its Director and
authorized signatory D.C. Kaushik**

.... Petitioner

Versus

State of Haryana & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Ashwani Talwar, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The petitioner has filed this petition under Article 226 of the Constitution of India, praying for issuance of a writ in the nature of certiorari for quashing the reference dated 30.09.2021 (Annexure P-7) made by the appropriate government, keeping in view the fact that already a reference dated 30.08.2020 (Annexure P-2) stands made to the Industrial Tribunal, Ambala, having exactly the same demands as raised in the instant reference and the earlier reference is pending before the Industrial Tribunal; with the only difference being in the quantum of the amount as demanded; along with certain other prayers.

It is submitted by counsel for the petitioner that the appropriate government has made two different references to the Labour Court regarding the same demand raised by the workmen. Two references qua the same demand are not maintainable. Therefore, the subsequent reference is liable to be quashed.

Having heard the counsel for the petitioner and having perused the case file, this court does not find any substance in the argument of the counsel for the petitioner. It is obvious that the State Government has made two references which are: dated 30.08.2020 attached as Annexure P-2 with the petition and another dated 30.09.2021, attached as Annexure P-7 with the petition. However, perusal of the same also shows that the demands involved in the first reference was qua increase of wages and allowances applicable for the period from 01.07.2017 till 30.06.2020; whereas, the demand involved in the second reference are pertaining to the period 01.07.2020 till 30.06.2023. Hence, although the nature of the demand may be the same, however, substance of the demand, in both the references, are different in terms of claim of monetary benefit, as well as, qua the duration for which that benefit is claimed. Hence, this court does not find any illegality or impropriety in the action of the Government in making two different references involved in the present case.

In views of the above, finding no merit in the present petition the same is dismissed.

17th MAY, 2022
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>