

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

224

CWP-9553-2018 (O&M)

DATE OF DECISION: 23.03.2022

KEEMTI LAL

... Petitioner(s)

Versus

INDUSTRIAL TRIBUNAL PATIALA AND ORS.

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Kapil Kakkar, Advocate
for the petitioner.

Mr. R.S. Kalra, Advocate for the respondents.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has sought quashing of the order dated 28.03.2018 (Annexure P-7) whereby the services of the petitioner were terminated. He has also sought a direction to the respondents to consider his case for regularization.

Learned counsel for the petitioner contends that the petitioner had been working as a Helper with respondent-Board since 11.10.1996 and, therefore, his services could not have been arbitrarily terminated. He further submits that earlier on 07.02.2005, the services of the petitioner had been illegally terminated against which the petitioner approached the Labour Court. The Labour Court had directed his reinstatement with continuity of service. The respondent-Board had preferred CWP No.16034 of 2017 against the Award of the Labour Court which was dismissed on 25.07.2017. He, thus submits that the impugned order deserves to be quashed.

Learned counsel for the respondents submits that the petitioner had been reinstated in service in pursuance to the Award of the Labour Court.

Later, restructuring of the organisation had taken place and the petitioner along with several other employees had been retrenched after one month advance notice. The other similarly situated employees had challenged the termination by preferring writ petitions including CWP No.7521 of 2018 which was dismissed by the order of the Single Bench on 10.09.2018. The LPA preferred thereagainst including LPA No.1839 of 2018 were dismissed by the Division Bench on 02.02.2022.

Heard.

The petitioner has challenged the order dated 28.03.2018 whereby his services were terminated along with several other employees who had also challenged the same by preferring afore-noted writ petition. The Single Bench had protected the interest of the petitioners therein by giving them liberty to seek their remedy under the Industrial Disputes Act. The Division Bench, in LPA, had observed that the employees would be entitled to regularization only if the organization is in a financial position to take the burden of regularization on its own.

In the instant petition, interim order had been passed to consider the case of the petitioners for regularization. The respondents, by order dated 10.09.2018, have rejected the claim of the petitioners for regularization. This order has not been challenged by the petitioners.

In view of the above, the petition stands disposed of with liberty to the petitioner to approach the Labour Court with regard to the challenge to

retrenchment. He would also be at liberty to challenge the order dated 10.09.2018 denying petitioner the benefit of regularization in accordance with law.

Civil miscellaneous application, if any, also stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

23.03.2022
SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No