

Kuldeep Singh and others

...Petitioners

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepanshu Mehta, Advocate for the petitioners.

Mr. Gaurav Goel, Standing counsel for respondent No.9-Bank.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of Mandamus directing respondents No.1 to 4 to issue prosecution order/challan under Section 29 of the Industrial Disputes Act, 1947 against respondents No.7 to 9. Further, prayer has been made for directing the respondents No.4 to 6 to execute the award dated 18.10.2019 (Annexure P-2).

Learned counsel for the petitioners submits that the petitioners were illegally terminated from service by the Management of M/s Indian Yarn Limited, where petitioner-Kuldeep Singh was working as Senior Electrician w.e.f. 20.05.2016 to 05.08.2017 and the industrial dispute raised by the petitioners were decided vide award(s) dated 18.10.2019, which are annexed as Annexure P-2 collectively. He submits that through the awards though the reinstatement in service was declined by the Industrial Tribunal,

SAS Nagar (Mohali), but alternatively the petitioners were compensated by awarding them amount ranging between Rs.32,000/- to Rs.1,25,000/- as the company stood closed. He submits that since the said compensation has not been paid, therefore, respondents No.7 to 9 deserve to be punished under Section 29, Industrial Disputes Act, 1947. He prays that a necessary direction be issued to respondent No.1 for prosecution of respondents No.7 to 9 or in the alternative, the award dated 18.10.2019 (Annexure P-2) be executed.

Upon hearing the learned counsel for the petitioners and considering his submissions, this Court is of the considered opinion that the petitioners can avail the alternative remedy in respect of the prayers made in this writ petition.

Resultantly, no case is made out for exercise of extraordinary writ jurisdiction under Article 226 Constitution of India.

Dismissed.

(MANOJ BAJAJ)
JUDGE

08.02.2023

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No