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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-4860-1995 (O&M)

Date of Decision: 14.07.2023

Mohan Singh and others

. . . . Petitioners

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Ms. Alka Chatrath, Advocate
for the petitioners.

Mr. R.K. Kapoor, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Present Writ Petition has been filed by the petitioners praying for regularization of the post of driver on which they were appointed on various dates from 1991 to 1992. Experience certificates have also been placed on record.
2. After notices were issued, the petitioners' services have been orally dispensed with and there is no termination order. The fact of termination has been brought on record by way of making amendment in the Writ Petition, and further prayer has been made to set aside the oral termination made effective from 14.11.1995.
3. This Court does not have the facts available in the Writ with regard to the reasons of termination and whether compliance in terms of Industrial Disputes Act, 1947 was made. However, since the petitioners were working as drivers, they can raise the dispute directly before the

Labour Court in terms of new amended Section 10A of the Industrial Disputes Act, 1947.

- 4. As evidence is required to be recorded, this Court allows the petitioners to raise the dispute before the concerned Labour Court. If such dispute is raised, the Labour Court shall examine the case on merits after giving opportunity of hearing to the State and its authorities, and after leading their respective evidence, the Labour Court is expected to decide the case expeditiously but not later than a period of one and a half year from the date of submission of the plaint.
- 5. The Court would be free to pass all orders in respect of the relief claimed by the petitioners and the pendency of this Writ Petition would be taken into consideration for the purpose of limitation.
- 6. Writ Petition is disposed of accordingly.
- 7. Pending application(s), if any, shall also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

July 14, 2023
Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |