

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

2023:PHHC:134496

RSA-1100-1993

Date of decision: 16.10.2023

SUKHWINDER SINGH

..Appellant

Versus

STATE OF PUNJAB & ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Surinder Sharma, Advocate
for the appellant.

Mr. Vikas Arora, AAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. The correctness of the findings of the fact arrived at by the First Appellate Court is challenged by the plaintiff in this second appeal. In substance, the plaintiff alleges that his services have been terminated in violation of the provisions of the Industrial Disputes Act, 1947 (hereinafter referred to as the '1947 Act'). He filed a civil suit. The trial Court decreed the suit on the ground that the provisions of the 1947 Act have been violated while terminating his service. However, the First Appellate Court has reversed the judgment on the ground that the Department of Public Health is not an industry.

2. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

3. In fact, the issue of maintainability of civil suit in the Civil Court alleging violation of provisions of the 1947 Act has attained finality in view of the judgment passed by the Supreme Court in **Rajasthan State Road Transport Corporation Vs. Zakir Hussain 2005(7) SCC 447**. This view has

been reaffirmed by a Larger Bench in *Rajasthan State Road Transport Corporation and Vs. Khadarmal, 2006(1) SCC 59.*

4. In this case, the appellant alleges violation of provisions of 1947 Act. Hence, the suit filed by the plaintiff is not maintainable in view of the judgments referred above.

5. Keeping in view the aforesaid facts, no ground to interfere is made out.

6. Dismissed accordingly.

7. All the pending miscellaneous applications, if any, are also disposed of.

October 16th, 2023
Ay

(ANIL KSHETARPAL)
JUDGE

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