

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11167-2023

Date of decision : 11.09.2023

Dheeraj Chaturvedi and others

..... Petitioners

Versus

Chandigarh Administration, Labour Department and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. A.S. Chadha, Advocate
for the petitioners.

Mr. Gaurav Mohunta, Additional Standing Counsel,
for respondent-UT Chandigarh.

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HARSH BUNGER, J. (ORAL)

1. At the outset, learned counsel for the petitioners submits that he may be permitted to withdraw the instant writ petition with liberty to the petitioners to avail their remedies in view of paras 36 and 37 of the judgment dated 15.03.2022, passed by a Coordinate Bench of this Court in CWP-5966-2021 titled as *GBA Workers Union Versus Chandigarh Administration and another*. Paras 36 and 37 of the judgment in case of *GBA Workers Union* (supra) are reproduced as under :-

“36. It is clarified that this Court has not gone into the validity of the grounds for retrenchment. This decision is only limited to examining the legality of the order dated 01.03.2021.

37. Hon'ble Supreme Court in Meenakshi Mills held that an industrial dispute can be raised by the workmen in a case where retrenchment has been effected on the basis of permission deemed to have been granted under sub-section (3) of Section 25N

on account of failure on the part of the appropriate Government or authority to communicate the order granting or refusing the permission within the stipulated time because in such a case, there has been no consideration, on merits, of the reasons for proposed retrenchment by the appropriate Government or authority and reference of the dispute for adjudication would not be precluded.”

2. Accordingly, the instant writ petition is dismissed as withdrawn with liberty aforesaid.

(HARSH BUNGER)
JUDGE

11.09.2023
sjks

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