

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA -1541-2023 (O&M)

Date of Decision: 30.10.2023

Rahul Kumar @ Rahul

... Appellant

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MS.JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE AMAN CHAUDHARY**

Present: Mr.Vineet Sachdeva, Advocate for the appellant

Ms.Lavanya Paul, DAG, Punjab

AMAN CHAUDHARY, J.

CM-3965-LPA-2023

For the reasons stated in the application, the same is allowed and delay of 24 days in refiling the instant appeal is hereby condoned, subject to all just exceptions.

LPA1541-2023

1. The present intra-court appeal, under Clause X of the Letters Patent has been filed challenging the judgment dated 13.07.2023, whereby the civil writ petition preferred by the appellant came to be dismissed.

2. Learned counsel contends that the learned Single Judge has erred in concluding the appellant, who was working as Hair Technician in Cosmetology Department of Dev Samaj College for Women, to be a workman merely on basis of nomenclature of the post and relegated him for availing remedy under the Industrial Disputes Act.

3. Learned State counsel submits that as a matter of fact the appellant having worked in an Aided College, his remedy, if any, would lie before the

4. Learned counsel for the appellant on a pointed query of the Court, regarding the above objection, submitted that at the time of filing of the writ petition, quorum of the above Tribunal was not complete, however, the same now is and he be granted liberty to approach it instead of the Labour Court.

5. In view of the above, the order passed by the learned Single Judge is modified by granting liberty to the appellant to raise his dispute before the Punjab Educational Tribunal. The present appeal stands disposed of accordingly.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

30 .10.2023
mkk

Whether speaking / reasoned: YES / NO
Whether Reportable: YES / NO