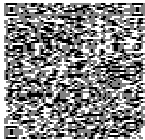


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2024:PHHC:100646-DB



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-456-2024
Date of Decision: August 06, 2024

NEETU Appellant

Versus

BANK OF BARODA AND OTHERS Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Prateek Pandit, Advocate for the appellant.

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 18.01.2024 whereby CWP-13274-2019 filed by present appellant (writ petitioner) was disposed of with liberty to appellant (writ petitioner) to approach the Industrial Tribunal for redressal of her grievance.
2. Abovesaid writ petition had been filed by appellant for setting aside order dated 07.06.2018 passed by respondent No. 3 terminating the services of appellant as well impugned order dated 16.10.2018 whereby appeal filed by appellant was also dismissed by Appellate authority. It was noted by learned Single Bench that learned counsel for writ petitioner had expressed her inability to controvert the fact that petitioner had an efficacious remedy to approach Industrial Tribunal for challenging impugned order but submission had been

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made that Industrial Tribunal may be directed to decide the appeal on merits. Learned counsel for respondents had raised no objection to a decision on merits by the Tribunal on an appeal if filed by writ petitioner. Accordingly, writ petition was disposed of with liberty to present appellant (writ petitioner) to approach the Industrial Tribunal while further directing that in case appeal is filed before Industrial Tribunal within four weeks, it would be decided on merits.

3. Learned counsel for appellant vehemently argued that as the writ petition remained pending before this High Court from 2019 onwards and matter should have been decided on merits and appellant not relegated to the alternate remedy. Mere existence of alternate remedy does not necessarily entail litigant to be relegated to the same. It is, thus, prayed that the matter be remanded before learned Single Bench to be decided on merits.

4. We have heard learned counsel for appellant who is however, unable to point out any infirmity, irregularity or perversity in impugned order dated 18.01.2024.

5. In the given facts and circumstances, we do not find any merit in the argument as raised and do not find any ground to remand the matter before learned Single Bench for a decision on merits. Categorical submission had been made on behalf of appellant (writ petitioner) by her counsel before the learned Single Bench and a similar concession on behalf of respondents led to passing of order dated 18.01.2024. Relevant part of order dated 18.01.2024 reads as under:-

“2. Learned counsel for the petitioner expressed her inability to controvert the fact that petitioner has remedy to approach Industrial Tribunal against the impugned order, however, she submits that Tribunal may be directed to decide her appeal on merits.

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3. Learned counsel for the respondents submits that he has no objection, if Tribunal is directed to decide appeal of the petitioner on merits.

xxx xxx xxx

5. In the wake of statements of both side, the petition is disposed of with liberty to petitioner to approach the Industrial Tribunal. If the petitioner files appeal before Industrial Tribunal within 4 weeks from today, it would be decided on merits.”

6. In the given facts and circumstances, this appeal is dismissed. Appellant is at liberty to avail remedy available to her in accordance with law in terms of order dated 18.01.2024 in case appeal is filed by her within two weeks.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

August 06, 2024
Rts

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