



CWP-34739-2024
and other connected cases

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

119+116+117+118+122+123+124+ (1) CWP-34739-2024
127+131+134+135 Date of decision: 20.12.2024

YOGESH KUSHWAHPETITIONER
Vs.
LABOUR COMMISSIONER, HARYANA AND ANOTHER
...RESPONDENTS

Sr. No	Case Nos.	Name of parties
2.	CWP-34553-2024	PREM CHAND GUPTA V/S LABOUR COMMISSIONER, HARYANA AND ANOTHER
3.	CWP-34575-2024	RAHUL YADAV V/S LABOUR COMMISSIONER, HARYANA AND ANOTHER
4.	CWP-34725-2024	MUKESH KUMAR SHARMA V/S LABOUR COMMISSIONER, HARYANA AND ANOTHER
5.	CWP-34876-2024	SANTOSH KUMAR RAY V/S LABOUR COMMISSIONER, HARYANA AND ANOTHER
6.	CWP-34990-2024	SUJIT SINGH V/S LABOUR COMMISSIONER, HARYANA AND ANOTHER
7.	CWP-35003-2024	BABALU KUMAR V/S LABOUR COMMISSIONER, HARYANA AND ANOTHER
8.	CWP-35014-2024	SURESH KUMAR V/S LABOUR COMMISSIONER, HARYANA AND ANOTHER
9.	CWP-35084-2024	SANTOSH KUMAR YADAV V/S LABOUR COMMISSIONER, HARYANA AND ANOTHER
10.	CWP-35104-2024	JITENDAR DIXIT V/S LABOUR COMMISSIONER, HARYANA AND ANOTHER
11.	CWP-35110-2024	ADITYA NARAYAN SINGH V/S LABOUR COMMISSIONER, HARYANA AND ANOTHER

**CWP-34739-2024**

-2-

and other connected cases

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Akshat Dalal, Advocate,
Mr. Vaibhav Jain, Advocate and
Mr. Anil K Sokal, Advocate
for the petitioner(s) (in all cases).

Mr. Raman Sharma, Addl. A.G., Haryana.

Mr. Ashwani Talwar, Advocate
for respondent No. 2 (in all cases).

JAGMOHAN BANSAL, J (ORAL)

1. By this common order, above-said petitions are being disposed of since issues involved in all the petitions and prayer sought therein are common. With the consent of parties and for the sake of brevity, facts are borrowed from CWP-14449-2024.

2. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 12.01.2024 (Annexure P-1) whereby Labour Commissioner, Haryana has accorded his consent to dismissal order passed by respondent No. 2-Management.

3. The petitioner is an ex-employee of respondent No. 2-Management. On account of dispute between the parties, the respondent conducted an inquiry wherein petitioner was held guilty and order of dismissal from service was passed. On account of strike, a settlement came to be arrived at between Management and office bearers of the Union. The petitioner was dismissed from service on 21.04.2023 and settlement deed was executed between Management and Union on 01.06.2023. As per settlement, the Management agreed to reconsider case of terminated employees in a positive manner on humanitarian

**CWP-34739-2024**

-3-

and other connected cases

ground. The Management pursuant to provisions of Section 33 of Industrial Disputes Act, 1947 (for short '1947 Act') moved an application before Labour Commissioner seeking approval of dismissal order. The said application was filed under Section 33(2)(b) of 1947 Act. By impugned order Labour Commissioner has accorded his approval. Resultantly, order of dismissal from service has become final.

4. Mr. Akshat Dalal, Advocate submits that impugned order has been passed *ex-parte*. The Labour Commissioner conducted last hearing on 25.09.2023 and thereafter undated zimni order was prepared. The matter was reserved on the said date and thereafter impugned order was passed despite being aware of compromise dated 01.06.2023 arrived at between Management and the Union. The Labour Commissioner ignored the said compromise and accorded his approval to order of dismissal.

5. Notice of motion.

6. Mr. Raman Sharma, Addl. A.G., Haryana and Mr. Ashwani Talwar, Advocate who on advance notice, are present in Court, accept notice on behalf of respondent No.1-State and respondent No. 2 respectively.

7. With the consent of both sides, the matter is taken up for final disposal.

8. From the perusal of record, it is evident that impugned order is *ex-parte* and Labour Commissioner has not taken care of compromise dated 01.06.2023 arrived at between Management and the Union. In the compromise, it was specifically jotted down that Management would sympathetically reconsider dismissed/terminated employees for re-employment. The Labour



CWP-34739-2024
and other connected cases

Commissioner was duty bound to take care of the said compromise. He was further bound to seek comments from the Management.

9. In the wake of above discussion and findings, this Court is of the considered opinion that impugned order deserves to be set-aside and accordingly set-aside. The matter is remanded back to Labour Commissioner to pass a fresh order after granting opportunity of hearing to the petitioner. The petitioner at the first instance shall appear before Labour Commissioner on 07.01.2025 and therefore, as directed by said Authority.

10. It is hereby made clear that observations made hereinabove would not affect rights and liabilities of both sides.

11. Allowed accordingly.

20.12.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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