



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(277)

CWP No. 2173 of 2025

Date of Decision : 28.01.2025

Post Graduate Institute of Medical Education and Research,
Chandigarh

...Petitioner

Versus

Presiding Officer, Central Government Industrial Tribunal-cum-Labour
Court II, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Jhanji, Senior Advocate with
Mr. Shashank Shekhar Sharma, Advocate for the petitioner.

Mr. J.S. Bhatti, Advocate for respondent No. 2.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner-Institute is that without deciding the issue as to whether, any promotion being made to the post of Junior Administrative Officer is valid or not, direction has been issued vide impugned order dated 05.09.2024 (Annexure P-12) not to make any further promotion, which is causing prejudice to the petitioner-Institute as the posts are needed to be filled up for smooth functioning of the Institute.

2. Learned senior counsel appearing on behalf of the petitioner-Institute submits that subject to the final order to be passed by the Tribunal on an application filed by the respondent-Union, the promotions be allowed to be effected and in case, the promotions are found to be bad by the



Tribunal, appropriate order will be passed by the Tribunal and in case, any order is passed against the petitioner or the respondent-Union aggrieved partly can avail the appropriate remedy but by way of an interim order, the promotions could not be stayed.

3. Learned counsel appearing on behalf of the respondent-Union submits that prima-facie, the promotions already made are incorrect and could not have been made and though, 15 employees who were promoted vide order dated 02.08.2024, have been allowed to continue on the promoted post, the Tribunal was within its jurisdiction to stop further promotions to the post of Junior Administrative Officer keeping in view the prima-facie case made out before the Tribunal qua the promotions being made by the Institute. Learned counsel for the respondent-Union submits that in case, the Institute is adopting the process of unfair labour practice, the Tribunal was within its jurisdiction to stop the promotions to the post of Junior Administrative Officer, which has rightly been done hence, the writ petition is liable to be dismissed.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. A bare perusal of the impugned order dated 05.09.2024 would show that qua the similar promotions already effected on 02.08.2024, the same have been allowed to continue subject to the final order to be passed on the claim filed by the respondent-Union. Once, the issue is whether, promotions of the 15 employees which were effected on 02.08.2024, is valid or not, the petitioner-Institute could not have been restrained from effecting further promotions. In case, the Tribunal ultimately comes to the conclusion



that the promotions effected to the post of Junior Administrative Officer were bad, appropriate order will be passed by the Tribunal leaving the parties to avail appropriate remedy.

6. Further, while passing the interim order, the Tribunal has to take into consideration the balance of convenience and irreparable loss to be caused.

7. Learned counsel appearing on behalf of the respondent-Union has not been able to show as to what irreparable loss will be caused to the Members of the Union in case, any promotion to the post of Junior Administrative Officer is effected. In case, any wrong promotion is made, the same can be set-aside but in case, the claim filed by the Union is rejected, the employee who was rightfully entitled for promotion, will suffer irreparable loss as he/she will not get promotion and the consequential benefits, which loss cannot be compensated.

8. With regard to the argument that there is an unfair labour practice, it may be noticed that no such finding has been recorded by the Tribunal while passing the impugned order, hence, the argument that the PGI is acting unfairly, cannot be accepted at this stage.

9. Keeping in view the facts and circumstances of the present case, the order dated 05.09.2024 (Annexure P-12) is set-aside to the extent that PGI has been restrained from effecting further promotion to the post of Junior Administrative Officer. It is directed that any promotion made during the pendency of the claim of the respondent-Union before the Tribunal will be subject to the outcome of the said claim keeping in view the final order to be passed by the Tribunal.



10. At this stage, learned senior counsel appearing on behalf of the petitioner submits that they have raised certain objections qua the maintainability of the claim of the Union. It may be noticed that in case, any such grievance exists, the same be expressed before the Tribunal. This Court is not adjudicating the same as the said prayer can be raised before the Tribunal for its consideration.

11. Petition is disposed of in above terms.

January 28, 2025
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No