



114 (9 cases)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision: April 01, 2025

1. LPA-974-2025 (O&M)

National Institute of Pharmaceutical Education and Research (NIPER)
....Appellant
versus

Pradeep Kumar and others
....Respondents

2. LPA-976-2025 (O&M)

National Institute of Pharmaceutical Education and Research (NIPER)
....Appellant
versus

Dalbar Singh and others
....Respondents

3. LPA-980-2025 (O&M)

National Institute of Pharmaceutical Education and Research (NIPER)
....Appellant
versus

Ranbir and others
....Respondents

4. LPA-982-2025 (O&M)

National Institute of Pharmaceutical Education and Research (NIPER)
....Appellant
versus

Nannu Ram and others
....Respondents

5. LPA-986-2025 (O&M)

National Institute of Pharmaceutical Education and Research (NIPER)
....Appellant
versus

LPA-974-2025 (O&M) and other connected cases

Ram Murti and others
....Respondents

6. LPA-988-2025 (O&M)

National Institute of Pharmaceutical Education and Research (NIPER)
....Appellant
versus

Ram Narayan and others
....Respondents

7. LPA-989-2025 (O&M)

National Institute of Pharmaceutical Education and Research (NIPER)
....Appellant
versus

Mela Ram and others
....Respondents

8. LPA-991-2025 (O&M)

National Institute of Pharmaceutical Education and Research (NIPER)
....Appellant
versus

Gurmel Singh and others
....Respondents

9. LPA-992-2025 (O&M)

National Institute of Pharmaceutical Education and Research (NIPER)
....Appellant
versus

Surjit Singh and others
....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. Pawan Kumar Mutneja, Senior Advocate with
Mr. Viranjeet Singh Mahal, Advocate and
Ms. Suverna Mutneja, Advocate for the appellant(s).

SUDHIR SINGH, J.

CM-2416-LPA-2025 IN LPA-974-2025 and other similar applications in connected cases

LPA-974-2025 (O&M) and other connected cases

For the reasons stated in applications, same are allowed. Delay in respective cases in filing the appeal is condoned.

Main cases (O&M)

Vide this common order, we shall be disposing of the above noted nine cases arising out of the common order dated 03.02.2025 passed in CWP-20272-2023 and other connected cases. However, for the facility of reference, the facts are taken from LPA-974-2025.

2. Challenge in the instant intra Court appeal is to the order dated 03.02.2025 passed by the learned Single Judge, whereby the order dated 01.11.2022 passed by the Central Government Industrial Tribunal-cum-Labour Court 1, Chandigarh (for short 'the Tribunal') was set aside and the matter was remanded to the Tribunal for adjudicating upon the reference petitions taking into consideration the fact that Section 2A(3) of the Industrial Disputes (Amendment) Act No.24, 2010 (for short 'the Act No.24 of 2010') had already been deleted during pendency of the reference petitions filed by the respondent/Workman.

3. Vide aforesaid order dated 01.11.2022, the Tribunal had rejected the claim of the respondent/Workmen by placing reliance upon Act No.24 of 2010 in view of Section 2A(3) of the Industrial Disputes Act, 1947 (for short 'the Act of 1947').

4. The Workmen filed various writ petitions contending therein that as on the date when Section 2A(3) of the Act No.24 of 2010 was taken into account for deciding the claim petitions, the same was already repealed by the Repealing And Amending Act No.23 of 2016 (for short 'Act No.23 of 2016'), on 09.05.2016. It was the case of the Workmen before the learned Single Judge that the aforesaid repealed Act No.24 of 2010 was wrongly taken into consideration by

LPA-974-2025 (O&M) and other connected cases

the Tribunal while passing the order dated 01.11.2022. The argument of the Appellant/Management before the learned Single Judge was that when the claim petitions were filed, Section 2A(3) of the Act No.24 of 2010 was in operation and that keeping in view the applicability of the said provisions, the claim petitions were rightly dismissed by the learned Tribunal.

5. Learned Single Judge, after taking into consideration the rival contentions, has remanded the matter to the Tribunal, as noticed above.

6. Learned Senior counsel for the appellant(s) has vehemently argued that claim petitions had been filed by the Workmen after a period of 14 years and the same were barred by delay and laches. It is further argued that Sections 2A(2) and 2A(3) of the Act No.24 of 2010 would not be applicable in the case in hand as the same would come into play as regards the discharge, dismissal, retrenchment or termination of an employee. It is further argued that in terms of the judgment of the Hon'ble Apex Court in **Steel Authority of India versus National Union Water Front Workers and others, (2001) 7 SCC 1**, the claim petitions were not maintainable. It is further argued that the remedy available under the Act of 1947 would be beyond the provisions of Section 2A(2) and 2A(3) of the Act No.24 of 2010. It is further argued that the impugned order passed by the learned Single Judge did not consider this aspect of the matter, and as a matter of fact, the Workmen could not have moved the claim petitions under Sections 2A(2) of the Act of 1947 before the Tribunal. It is further argued that learned Single Judge has come to a wrong conclusion that Section 2A(3) of the Act No.24 of 2010 was not in operation, having been repealed by the Act No.23 of 2016. It is further argued that the Act No.23 of 2016 directly falls within the ambit of Section 6A of the General Clauses Act, 1897 (for short 'the Act of 1897') and the Act No.23 of

LPA-974-2025 (O&M) and other connected cases

2016 did not affect the continuance of the amendment made by the enactment so repealed. It is also argued that there was no relationship of ‘employer’ and ‘employee’ between the appellant/Management and the respondent/Workmen, and therefore, there was no question of claim petitions being maintainable before the Tribunal. Reliance is placed upon the judgment of the Hon’ble Supreme Court in the case of **Jethanand Betab versus State of Delhi, AIR 1960 SC 89**.

7. We have heard the learned Senior counsel for the appellant(s) and have also gone through the files of the cases, including the impugned order passed by learned Single Judge.

8. A perusal of the impugned order would show that the learned Single Judge has remanded the case to the Tribunal for decision on merits as regards the maintainability of the reference. We have also gone through the order dated 01.11.2022 passed by the Tribunal. The Tribunal had held that the claim petitions filed were beyond limitation of 03 years and that the Tribunal had no power to condone the delay. The learned Single Judge, after hearing the rival contentions of the parties, observed that no finding was recorded by the learned Tribunal regarding maintainability of the reference in review of deletion of Section 2A(3) of the Act No.24 of 2010.

9. Though learned Senior counsel has argued that the claim petitions would not be maintainable, yet we find that the appellants would be at liberty to raise all the pleas before the learned Tribunal and due opportunity would be given by the Tribunal to the appellant/ Management to present its case *qua* question(s) of law involved therein.

10. We find no perversity or illegality in the order passed by the learned Single Judge. However, we direct the Tribunal to decide the matter expeditiously,

LPA-974-2025 (O&M) and other connected cases

preferably within a period of 06 months. It is expected that the parties will cooperate in the proceedings before the Tribunal so that the matter could be decided within the stipulated period.

- 11. With the aforesaid observations, the present batch of appeals, stands disposed of.
- 12. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(SUKHVINDER KAUR)
JUDGE

April 01, 2025
mahavir

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