



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision: 30.01.2025

CWP-12935-2020 (O&M)

SHAM LAL AND OTHERS

.....Petitioners

VERSUS

BHAKHRA BEAS MANAGEMENT BOARD AND OTHERS

.....Respondents

CWP-14723-2020 (O &M)

HARVINDER SINGH AND OTHERS

.....Petitioners

VERSUS

BHAKHRA BEAS MANAGEMENT BOARD AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Amit Bhanot, Advocate
for the petitioners.

Ms. Madhu Dayal, Advocate for the respondents No.1 to 5.

VINOD S. BHARDWAJ, J. (Oral)

Both these writ petitions are being decided by a common order with the consent of the Counsel for the parties since identical issues are involved therein. A brief reference to the prayer is, however, being made from *CWP-12935-2020* titled as “*Sham Lal and others versus Bhakhra Beas Management Board*”.

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2. The present writ petitions have been filed for seeking directions to the respondents to consider the claim of the petitioners for regularization with the respondents-Bakhra Beas Management Board on the grounds that the petitioners fulfill the conditions prescribed in the regularization policy and the persons who joined later have been given the said benefit.

3. Learned Counsel appearing on behalf of the petitioners has pointed out that the respondents have destroyed the muster rolls as a result whereof, he is not in possession of the requisite record to establish the total number of days that they have worked, however, the discrepancy in the record being maintained by the respondents, which discredits the contentions of the respondents, can be examined from the extracts that have been appended by him alongwith the present writ petition. He, however, does not dispute that in the absence of the record and considering that there are certain discrepancies, the same would give rise to disputed questions of fact which cannot be gone into by this Court, more so when a specific objection of maintainability of the instant writ petition involving disputed questions of fact is being raised by the respondents, who contend that the appropriate remedy available to the petitioner would be to raise an industrial dispute under the Industrial Disputes Act.

4. In view of the above, counsel for the petitioners contends that at the time of issuance of notice of motion on 27.08.2020 an interim protection about the status quo with regard to service of the petitioner as it existed on the relevant date had been granted and that such protection/indulgence may



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be extended to him for certain durations so as to enable him to approach the Labour Court by way of an appropriate petition.

5. Even though, Counsel for the respondent contends that the petitioners are already availing benefit, however, taking into consideration that the interim order has already been granted in favour of the petitioners since the year 2020, I find that interest of justice would be well served in case the protection already extended by this Court is also extended for a limited duration, so as to enable the petitioners to take recourse to the alternative remedy available to them for espousing their grievance before the Labour Court and subject to any other order that may be passed by the Labour Court on taking cognizance of the matter.

6. Accordingly, the present petitions are **disposed of** with liberty to the petitioner to approach the Labour Court within a period of two months from the passing of order passed by this Court, for the relief claimed herein. The interim indulgence granted by this Court vide order dated 27.08.2020 in CWP-12935-2020 shall continue in favour of the petitioner for a period of two months and/or till the date of registration of the reference by the Labour Court whichever is later. Since no interim had been granted to the petitioners in CWP-14723-2020, the benefit shall not be available to them.

7. All the pending miscellaneous application(s), if any, are also disposed of.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 30, 2025
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No