

**CWP-11419-2014****1**

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

(221)**CWP-11419-2014****Date of Decision : July 29, 2025****Baltej Singh****.. Petitioner**

Versus

**The Industrial Tribunal Bathinda through its Presiding Officer and
others**

.. Respondents**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Vikas Singh, Advocate, with
Ms. Anamika Sheoran, Advocate, for the petitioner.

Mr. S.S. Behl, Advocate, with
Ms. Raageshwari Sharma, Advocate,
for respondents No. 2 to 4.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the Award dated 12.08.2013 (Annexure P-1) passed by the Labour Court by which, the claim of the petitioner that he is entitled for benefit of reinstatement in service as his services have been terminated wrongly, being in violation of the Industrial Disputes Act, 1947 (hereinafter referred as '1947 Act'), has not been accepted.

2. Learned counsel for the petitioner argues that the claim of the petitioner has been rejected only on the ground that the employees similarly



situated to petitioner who had filed **CWP No.11983 of 2001 titled as *Paramjit Kaur and others vs. State of Punjab and others*, decided on 14.12.2001**, their writ petition qua the challenge to the termination of their services which was on the same grounds as raised by the petitioner, was rejected.

3. Learned counsel for the petitioner submits that the petitioner was not a party to the said writ petition and therefore, the claim of the petitioner needed to be adjudicated separately rather than being summarily dismissed on the ground that the similarly situated employees/petitioners in ***Paramjit Kaur' case (supra)*** were not granted the relief as is being claimed by the petitioner.

4. Learned counsel for the petitioner further submits that after the termination of the services of the petitioner along with other employees, some of the terminated employees were reinstated in service in the year 2004 but the said benefit, which has been extended to similarly situated employees, has not been extended to the petitioner which is even otherwise arbitrary.

5. Learned counsel for the respondents submits that the petitioners in ***Paramjit Kaur' case (supra)***, were similarly situated as the petitioner, as keeping in view the fact that the regular employees posts against the petitioner and the petitioners in ***Paramjit Kaur's case (supra)*** were working, and upon joining of regular incumbents, the services of the petitioner along with other employees who were petitioners in ***Paramjit Kaur's case (supra)*** were terminated.



6. Learned counsel for the respondents further submits that against the order of termination, the petitioner chose to avail the remedy by raising a reference before the Labour Court whereas, the other similarly situated employees filed writ petition before this Court being CWP No.11983 of 2001 and after passing a detailed order, the termination of the services of the similarly situated employees was held to be valid by the Division Bench of this Court and no relief was granted to them and therefore, the Tribunal while noticing that qua the same issue posed before this High Court, by employees similarly situated as the petitioner, the benefit claimed therein has been rejected by the High Court hence, the grant of said benefit at the hands of the Labour Court when the same has been rejected by the High Court, does not arise and the claim was dismissed.

7. Learned counsel for the respondents further submits that though later on, some of the persons whose services were terminated on the ground that regular employees had joined, were considered for fresh appointment on temporary basis but as there were allegations against the petitioner and some other employees with regard to the manipulation of the examination result, it was decided vide Resolution dated 24.05.2004 that no appointment can be given to the petitioner, which order/Resolution has never been challenged.

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

9. Once, it is a conceded fact that the petitioner was similarly situated as the petitioner in ***Paramjit Kaur' case (supra)*** and the relief



claimed by the petitioner before Labour Court as well as such petitioners before this Court in ***Paramjit Kaur' case (supra)*** was the same and Division Bench of this Court after detailed judgment rejected the relief claimed hence, the claim of the petitioner was rightly rejected by the Tribunal by placing reliance upon the judgment in ***Paramjit Kaur' case (supra)***.

10. Learned counsel for the petitioner has not been able to point out any difference between the claim raised or the status of the petitioner herein and the petitioners in ***Paramjit Kaur' case (supra)***.

11. In the absence of any differentiating fact, the rejection of the claim of the petitioner on the ground that similar claim has been rejected by this Court while passing order in ***Paramjit Kaur' case (supra)*** cannot be treated as arbitrary, illegal or perverse to the facts and evidence brought on record.

12. Second argument raised by the learned counsel for the petitioner is that some of the petitioners in ***Paramjit Kaur' case (supra)***, were given fresh appointment on temporary basis but the same opportunity was not offered to the petitioner.

13. Learned counsel for the respondents has brought to the notice of this Court the Resolution of the Department dated 24.05.2004 where, the name of the petitioner being considered for fresh appointment on temporary basis, was not accepted on the ground that while serving earlier with the respondents, there were complaints against the petitioner with regard to the manipulation of the examination result. The said Resolution dated 24.05.2004 has never been challenged by the petitioner before any forum hence, the claim that petitioner has not been granted fresh appointment as

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has been granted to some of the other candidates, cannot be accepted.

14. No other argument was raised.

15. Keeping in view the above, as learned counsel for the petitioner has not been able to prove that the impugned Award passed by the Labour Court is perverse either to the facts or evidence on record or the settled principle of law, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

16. Accordingly, the writ petition is dismissed.

July 29, 2025*harsha***(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No