



CWP-11288-2016 & connected cases -1-

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

227 (03 cases)

**CWP-11288-2016
Date of Decision :06.02.2025**

Sunil Kumar

...Petitioner

Versus

**Presiding Officer, Industrial Tribunal-cum-Labour
Court, Ambala and others**

...Respondents

CWP-2724-2016

Ajay Yadav

...Petitioner

Versus

**Presiding Officer, Industrial Tribunal-cum-Labour
Court, Ambala and others**

...Respondents

CWP-3146-2016

Dharam Chand

...Petitioner

Versus

**Presiding Officer, Industrial Tribunal-cum-Labour
Court, Ambala and others**

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

**Present: Mr. Shayam Singh Chhokar, Advocate for the petitioner(s)
in CWP-2724 & 3146 of 2016.**



None for the petitioner in CWP-11288-2016

Mr. Saurabh Girdhar, A.A.G. Haryana.

Mr. Subhash Saini, Advocate for
Mr. Rattan Singh Longia, Advocate for respondents No.2 & 3
in CWP-11288-2016.

Mr. A.S.Virk, Advocate for respondent in CWP-3146-2016.

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Harsimran Singh Sethi, J. (Oral)

1. In the present bunch of petitions, the grievance being raised by the petitioners is that their claim before the Labour Court, Ambala qua the termination of their services has wrongly been held to be not maintainable so as to avail the remedy before the Educational Tribunal.
2. Learned counsel for the respondents submits that once this becomes an undisputed fact that petitioners were working in a School and were considered the employees of the School, they could have raised their claim only before the Educational Tribunal in case they had any grievance qua the order passed by the School authorities.
3. I have heard learned counsel for the parties and have gone through the record with their able assistance.
4. The impugned awards are under challenge on the ground that the claim of the petitioners-Workmen against their wrongful termination is not to be maintainable before the Labour Court while raising dispute under the Industrial Tribunal Act, 1947 and Workmen can only avail remedy before the Educational Tribunal.
5. The question in hand has already been decided by the Division



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Bench of this Court in LPA-1908-2018 titled as Savitri Devi vs. Presiding Officer, Industrial Tribunal-cum-Labour Court and others, decided on 12.09.2024 wherein, it has been held that where an employee-Workman has more than one remedy to get his/her grievance redressed, the employee can choose any of the Forum to avail the remedy and in case, the grievance can be addressed under the Industrial Tribunal, Act by Workman, the said remedy cannot be disallowed merely on the ground that employee has another remedy to avail, which is the case in present matter.

6. Learned counsel for the respondents has not been able to rebut the fact that keeping in view the judgment of the Division Bench of this Court in Savitri Devi (supra), the impugned orders are liable to be set aside.

7. Keeping in view the settled principle of law, the impugned awards passed by the Presiding Officer, Industrial Tribunal, Ambala, wherein the reference was objectively dismissed on the ground that the same is not maintainable under the Industrial Dispute Act, 1947 and the petitioners were thereby directed to avail remedy before the Educational Tribunal, which is contrary to the settled principle of law and thus, cannot be sustained in eyes of law and are therefore, accordingly set aside and the cases are remanded back to the Labour Court, Ambala to decide the same in accordance with law on merits.

8. Parties are directed to appear before the Labour Court, Ambala on 24.03.2025.

8. Civil Miscellaneous application pending, if any, is also disposed of.



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9. A photocopy of this order be placed on the files of connected cases.

February 06, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No