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

CWP-15460-2018 (O&M)

Date of Decision: 10th of March, 2025

SANJEEV KUMAR @ SANJIV KUMAR AND OTHERS

.....Petitioner(s)

V/s.

***CHANDIGARH ADMINISTRATION THROUGH THE SECRETARY,
TRANSPORT, U.T. SECRETARIAT, CHANDIGARH AND OTHERS***

.....Respondent(s)

CORAM: **HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**
 HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. R.K. Malik, Senior Advocate, assisted by
 Mr. Sandeep Dhull, Advocate for the petitioners.

Ms. Shubreet Kaur, Advocate for the respondents No.1 and 2.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. Admittedly the petitioners are the Workmen within the definition of Section 2S of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act of 1947) as they were appointed as Helper (AC Expert), Helper Technician Auto Electrician and Air Condition (AC Buses expert) and Helper (AC Buses). It is their submissions that after dispensing with their services, other persons have been appointed fresh on outsourcing basis.

2. *Per contra*, learned counsel for the respondents submits that after contractual period of the petitioners was over, their services had been dispensed with and other persons have been appointed through outsourcing. It is also stated that the petitioners have been appointed elsewhere.

3. The issue regarding the petitioners' removal from service is a disputed question of fact that whether it would come within the definition of



Section 2 (oo) (bb) of the Act of 1947 or not, or whether it is to be treated as a retrenchment and whether there has been a non-compliance of Sections 25G & 25H of the Act of 1947. All these aspects can be suitably examined by the concerned Labour Court/Industrial Tribunal, as the case may be, after leading evidence.

4. In view thereto, we do not deem it appropriate to decide this case exercising our powers under Writ jurisdiction and leave it open to the petitioners to raise their dispute directly or through conciliation as they may so choose.

5. If such a dispute is raised by the petitioners within a period of one month before the concerned labour Court, the same shall be examined and decided expeditiously preferably within a period of one and a half years. It is made clear that the impugned order(s) passed by the CAT would not act as a hurdle for the purpose of disposal of the dispute raised before the Labour Court.

6. All pending applications in this case are disposed of accordingly.

[SANJEEV PRAKASH SHARMA]
JUDGE

[KIRTI SINGH]
JUDGE

March 10, 2025
Ess Kay

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