



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

CWP-19754-2017 (O&M)

Date of decision: 20.11.2025

Milkfood Factory Workers Union Regd. No.25

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ravi Ghakhar, Advocate,
for the petitioner.

Ms. Pratibha Bali, AAG, Punjab.

Mr. Ashim Aggarwal, Advocate,
for respondents No.5 and 6.

KULDEEP TIWARI, J. (Oral)

1. A prayer for issuance of a writ of Mandamus is embedded in the instant petition, thereby, commanding the official respondents to take appropriate action against the private respondents, who, not only in contravention of the Memorandum of Settlement (Annexure P-3), effected between the parties, during the conciliation proceedings under the Industrial Disputes Act, 1947, but also, in violation of Section 9A of the Act of 1947, have changed the service conditions of the employees, which amounts to unfair labour practice. Not just that, more than 35 workers, in violation of clause 15 of the settlement (supra), have been rationalised.

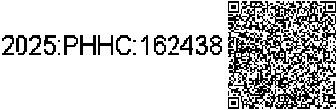
2. Aggrieved by the abovesaid violations being committed by the private respondent-Management, the petitioner-Union made repeated complaints dated 17.12.2016 (Annexure P-7); 10.01.2017 (Annexure P-



7) and 26.05.2017 (Annexure P-14) to the official respondents, but to no avail. In this way, the petitioner-Milkfood Factory Workers Union has no other option, but to seek indulgence of this Court, by way of instant writ petition under Article 226/227 of the Constitution of India.

2. Learned counsel for the petitioner submits that not only the service conditions of 07 workers have been changed, without any notice to them, but 43 workers have also been transferred to other departments/sections in the establishment, in contravention of the settlement arrived at between the parties, in terms of the Section 12(3) of the Act of 1947. He further submits that the sole reason delineated by the official respondents in their reply for not proceeding against the Management, is that change in service conditions of the said 7 employees is not, at all, prejudicial/detrimental to their interest. He asserts that, in fact, the issue of prejudice to any employee does not arise, for, the matter appertains to change in service conditions of some employees to the suitability of another set of employees, which apparently amounts to unfair labour practice. It is urged that the settlement, under Section 12 (3) of the Act of 1947, remains operative, until replaced or superseded by a fresh settlement. In this regard, he places reliance upon a verdict of the Hon'ble Supreme Court in **Ch. Joseph Vs. the Telangana State Road Transport Corporation and others, (2025) AIR (SC) 3679**. Finally, it is submitted that the authorities are under obligation to take a suitable action against the respondent-Management.

3. To the contrary, learned counsel for the respondent-Management submits that, during the pendency of the instant writ petition, the Milkfood Factory Workers Union and the respondent-



Management have arrived at a settlement dated 03.10.2023, (Annexure-C). He refers to Clause 12 of the said settlement, ***“The Management & Milkfood Factory Workers Union (Reg. No.25), have also agreed to withdraw all the litigations/Conciliations pending with any Court/Authority to conclude it as, as mutually settled.”***

4. Having heard learned counsel for the parties, and gone through the record, this Court is of the considered opinion that the settlement (supra), in no uncertain terms, has a binding effect upon the parties thereto. Therefore, no ground to issue a Mandamus, at this stage, is made out, and the proceedings are closed.

Disposed of, accordingly.

(KULDEEP TIWARI)
JUDGE

20.11.2025
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No