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

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Date of Decision :04.03.2025

M/s RICO Auto Industries Ltd.

...Petitioner

Versus

Secretary, Labour Department, Haryana
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Siddharth Gupta, Advocate for the petitioner

Mr. Gaurav Jindal, Addl. A.G. Haryana.

Mr. Sandeep Thakan, Advocate for
Mr. Devender Kumar, Advocate for respondent No.3.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, grievance being raised by the petitioner-Industry is qua the reference order dated 18.07.2019 (Annexure P/1) by which, the issue as to whether the termination of the service of respondent No.3-Lal Bahadur Yadav is legal or not, has been referred under Section 10 of the Industrial Disputes Act, 1947 (in short, '1947 Act') for adjudication by the Labour Court.

2. Learned counsel for the petitioner-Industry submits that at the time when the order dated 18.07.2019 (Annexure P/1) was passed, the workman had only been suspended though, subsequently his services have also been terminated. Learned counsel for the petitioner-Industry further submits that after the termination of service, the employee has to again raise a demand by filing a fresh demand notice and hence, the present order Annexure P/1 is liable to be set aside.



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3. Upon notice of motion, the respondent No.3-Workman had appeared. Learned counsel for the respondent No.3-workman submits that once the services of the respondent No.3-Workman has been terminated and the said issue has been referred for the adjudication, the impugned order does not suffer any infirmity and the same is liable to be upheld.

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

5. It may be noticed that it is a conceded position that as of now the services of the respondent No.3-Workman has already been terminated. Once, the services of the respondent No.3-Workman has already been terminated and issue has already been raised by the respondent No.3-Workman before the competent authority that he has been suspended and his services will be terminated, which apprehension has already come to be true, reference of the issue whether the services of the respondent No.3-Workman has been rightly terminated or not needs no interference at the hands of this Court.

6. The argument of the learned counsel for the petitioner that a fresh demand notice needs to be served after the termination of the service as, the first demand notice was served at the time when the employee was suspended, is liable to be rejected as, the Industrial Dispute Act, 1947 is a beneficiary of legislation which protects labour, promotes their contentment and regulates situation of crises and has been enacted to safeguard the service life of the workman and not to create hurdle to get the relief under the 1947 Act.

7. Keeping in view the facts and circumstances recorded

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hereinabove, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

March 04, 2025**(HARSIMRAN SINGH SETHI)***aarti***JUDGE***Whether speaking/reasoned : Yes**Whether reportable : No*