



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(i) CR-7806-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Suresh Kumar
...Respondent

(ii) CR-7807-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Karambir
...Respondent

(iii) CR-7808-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Subhash Chand
...Respondent

(iv) CR-7809-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Mahesh Kumar
...Respondent

(v) CR-7810-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Mahajan Singh
...Respondent



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(vi) CR-7811-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Sultan Singh
...Respondent

(vii) CR-7812-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Sukhbir Singh
...Respondent

(viii) CR-7813-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Neeraj Sharma
...Respondent

(ix) CR-7814-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Vikas Kumar
...Respondent

(x) CR-7815-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Daleep Singh
...Respondent



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(xi) CR-7816-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Joginder Singh
...Respondent

(xii) CR-7817-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Girish Rana
...Respondent

(xiii) CR-7818-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Sultan Singh
...Respondent

(xiv) CR-7819-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Balwant
...Respondent

(xv) CR-7820-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Rinku Ram
...Respondent



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(xvi) CR-7821-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Som Nath
...Respondent

(xvii) CR-7822-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Harbhajan Singh
...Respondent

(xviii) CR-7823-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Naresh Kumar
...Respondent

(xix) CR-7824-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Anil Kumar
...Respondent

(xx) CR-7825-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Devender Singh
...Respondent



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(xxi) CR-7826-2024 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Sahab Singh
...Respondent

(xxii) CR-7827-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Krishan Kumar
...Respondent

(xxiii) CR-7828-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Dharam Vir
...Respondent

(xxiv) CR-7829-2019 (O&M)

National Institute of Technology, Kurukshetra
...Petitioner

VERSUS

Satish Kumar
...Respondent

Date of Decision: December 23, 2025

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Shyam Singh Chhoker, Advocate
for the petitioner.



Mr.Dhiraj Chawla and Ms.Mehak Sharma, Advocates
for respondents.

ARCHANA PURI, J.

These are bunch of 24 revision petitions, filed to assail the judgments dated 16.11.2019 passed by learned Presiding Officer-cum-Education Tribunal-cum-District Judge, Kurukshetra, vis-a-vis, appeals filed to assail the termination orders of the respondents, who were security guards with the National Institute of Technology, Kurukshetra. The revision petitions are taken up together, due to commonality of facts and applicable law.

The facts germane, to be noticed, as culled from the paperbook, are taken up from CR-7806-2019 filed against Suresh Kumar (security guard), as other respondents (security guards), against whom, the connected the revision petitions have been filed, were also similarly placed.

Suresh Kumar (respondent herein) was appointed as security guard by the management of National Institute of Technology, Kurukshetra (petitioner herein) on the monthly salary of Rs.2500/-. He along with other security guards, employed by the same institute had raised demand for giving wages, as per minimum wages, prescribed by the Government and for regularization in service, but however, to no effect. All the security guards made a complaint against the petitioner before Labour Department (Central) and Labour Enforcement Officer, Karnal found the petitioner guilty and challaned the management and launched prosecution against it, which was pending before Chief Judicial Magistrate, Kurukshetra. However, Union

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filed a General Demand Notice on 22.02.2010 before the Assistant Labour Commissioner (Central), Faridabad regarding said demands, upon which, the Assistant Labour Commissioner (Central), Faridabad, issued notice dated 23.02.2010 for taking part in conciliation proceedings and directed the petitioner not to change any service condition of any worker, as prescribed under Section 33 (1) of Industrial Dispute Act, 1947. However, the petitioner was trying to alter the conditions of service, applicable to workmen, by way of stopping to mark their attendance, instead of being on duty, threatening to terminate from the services and forcing them to do work through contractor and withdraw the demand notice. Ultimately, the petitioner stopped the payment of salary. Workers refused to accept the illegal conditions of petitioner and then on 27.05.2010, the petitioner management had thrown all the workers out from the duty including Suresh Kumar, with the help of police and had engaged new security guards under contract-ship at its place.

Further it was averred that the General Demand Notice was referred by the appropriate government, which was pending before the Industrial Tribunal. Services of the security guards were dispensed with, without following due procedure, laid down in Industrial Disputes Act and without giving of any notice. The aggrieved had completed 240 days of service continuously. Even, they were not paid any retrenchment compensation by the petitioner management at the time of termination of services. No notice or charge-sheet was served. Even, no enquiry was conducted and the management had retained the juniors in service. On this account, the termination of the security guards from service was illegal,

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immoral, unlawful and against principles of natural justice. The notice sent by the security guards to the management was not responded. Hence, a prayer was made seeking direction against the petitioner to take back the security guards in service, with continuity of service and full back wages.

Upon notice issued, the petitioner management made appearance and filed the reply, whereby, various preliminary objections regarding mis-joinder and non-joinder of parties, jurisdiction, locus-standi etc. were taken. Also, it was pleaded that the security guards never remained the employees of the petitioner management and there was no relationship of employee and employer between them. They were engaged by the Mess Committee in the Hostel, at its own level. Even, no interviews were conducted and no appointment letters were issued. They were never paid from the consolidated/budget funds of the Institute.

Furthermore, it was pleaded that the services of the contractor were not engaged after 27.05.2010. Rather, the petitioner-institute outsourced the services of security, sanitation and maintenance, as per the outsourcing policy of Government of India w.e.f. 01.04.2010 and the contractors have provided their services in the respective area, w.e.f. 01.04.2010 to the Institute. The security guards had also not completed 240 days of continuous service with the petitioner Institute.

Initially, the respondents had raised dispute before the Labour Commissioner, alleging unfair labour practice and illegal termination of service by the Management. On conciliation, there was no fruitful result achieved and the appropriate Government referred the matter to the Presiding Officer, Labour Court, Delhi. The point formulated for

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adjudication was as herein given:-

“Whether the action of the management of Director, NIT, Kurukshetra in terminating the service is illegal and justified and to what relief the workman is entitled to.”

Thereupon, Suresh Kumar-security guard, had filed a detailed claim statement and the Management of NIT had filed reply, thereby, raising the issue of maintainability, on the ground that NIT Kurukshetra was situated within the State of Haryana and therefore, as per ***TMA Pai Foundation and others vs. State of Karnataka, 2002 (8) SCC 481***, the Government of Haryana, vide notification issued, had set up the Education Tribunal, in every District of the State and District Judge has been designated as the Presiding Officer of the Education Tribunal in the concerned District.

On the adjudication of the question, with regard to the maintainability, vide order dated 24.07.2019, it was held by the Presiding Officer, Industrial Tribunal, Delhi, that the proceedings were not maintainable before it and same needs to be presented before the Education Tribunal, having jurisdiction. Consequently, the matter was sent to the Education Tribunal for adjudication. The requisite order was never challenged further. In the given circumstances, the matter was dealt by the Education Tribunal, after registration of the same as civil appeal before the District Judge-cum-Education Tribunal, Kurukshetra.

However, vide impugned judgment, it was held that the Tribunal has no jurisdiction to adjudicate the present appeal, therefore, the file complete in all respects, be sent back to the Central Government, Industrial Tribunal-cum-Labour Court-II, Delhi, for further proceedings in

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the matter.

Being aggrieved, the National Institute of Technology, Kurukshetra, has filed the revision petitions in hand.

Learned counsel for the parties heard.

At the very outset, it is contended by learned counsel for the petitioner-NIT, Kurukshetra that question of jurisdiction, where the matter is to be adjudicated, vis-a-vis, the termination of the security guards, was decided by the order dated 24.07.2019 passed by Presiding Officer, Industrial Tribunal, Delhi and the matter was referred to the Education Tribunal and the said order was never challenged. Therefore, the question of jurisdiction, as such, cannot be re-opened again by the Education Tribunal.

On the other hand, learned counsel for the respondents has assiduously submitted that petitioner management is governed by The National Institute of Technology Act, 2007, having been created by the Central Government and its service conditions are regulated strictly by the statutory rules framed thereunder. Also, the entire funding of the petitioner management is provided by the Central Government and all the financial grants, expenditure and administrative control, vests exclusively with the Central Government. The NIT statute notification with amendment till July 2017, makes it explicitly clear that it was the creation of the Central Government. Such being the factual position, it is submitted that the notification, with the establishment of Education Tribunal, also relates to aided/unaided educational institutions, where, no specific statutory rules exists and where the disputes, as such, are required to be adjudicated by the Education Tribunal, constituted by the Government of Haryana. However,



the petitioner institute is the institute of national importance, which has been created under The National Institute of Technology Act, 2007 and therefore, it is beyond the purview of Education Tribunal, constituted pursuant to the Hon'ble Apex Court decision in ***TMA Pai Foundation and others vs. State of Karnataka and others, 2003 (2) SCT 385.***

At this juncture, beneficial reference is made to the decision rendered by this Court in ***LPA-1908-2018, titled Savitri Devi vs. Presiding officer, Industrial Tribunal-cum-Labour Court and others, decided on 12.09.2024,*** wherein, challenge was made to the Award passed by the Labour Court, which decided the reference, with regard to the illegal termination from service against the workman, by holding that in view of the alternative remedy of approaching the education Tribunal, constituted as per ***TMA Pai Foundation's case (supra)***, the reference was not maintainable. However, in the case under consideration, the Hon'ble Division Bench, had relied upon the decision rendered in ***Ambala Central Co-op. Bank Limited Ambala vs. State of Haryana and others, 1993(2) SCT 310,*** and further also observed, in view of the observations made therein, as herein given:-

“3. It was held by the Full Bench that remedy available under the Industrial Disputes Act, 1947 cannot be excluded by any other special law. Therefore, it is available to the workman, irrespective of availability of other alternative remedy. As such, it appears that the decision rendered by the Labour Court as well as learned Single Bench, is per incuriam the view of Full Bench in the case ‘Ambala Central Co-op. Bank Limited Ambala Vs State of Haryana and others’, 1993(2) S.C.T. 310.

4. Similar view has recently been taken by this Bench on 05.09.2024, while allowing the LPA-1204-2017, titled as “Jagjit Singh Vs. The Presiding Officer, Industrial Tribunal,

***Ludhiana and another”.***

5. *In view of the above, the impugned order dated 13.09.2018, passed by learned Single Judge as well as the award dated 14.03.2017 passed by the Labour Court are set aside.”*

Thus, in the light of the aforesaid observations, the order passed in the case under consideration in the aforesaid authority, relating to the dismissal of the reference, on account of non-maintainability, was set aside.

In the case in hand, reference was made to the Central Industrial Tribunal, who also had referred the matter back to the Education Tribunal. In this regard, it is pertinent to mention that Education Tribunal was constituted by the State Government, by virtue of notification dated 07.05.2013, which is reproduced as herein given:-

“No.7/45-2010-PS(2).-In pursuance of the judgment dated 30-10-2002 of the Hon'ble Supreme Court of India in TMA Pai Foundation and others Versus State of Karnataka (2002 (8) SCC481), wherein the Hon'ble Court has observed that for the redressal of grievances of employees of unaided educational institutions who are subjected to punishment of termination of services, a mechanism will have to be evolved by constituting appropriate tribunals. The right of filing appeals would lie before the District and Sessions Judge or Additional District and Session Judge till the tribunals are set up.

Accordingly, District and Session Judges in the State of Haryana have been authorized to hear appeals of employees of aided/unaided technical education institutions against decision of management within their jurisdiction, by the Hon'ble Punjab and Haryana High Court Chandigarh vide No.23414GAZ.II/IX.C.II, dated 10.08.2005. The Tribunals already notified by the Hon'ble High Court will also hear appeals of employees of aided/unaided schools against the orders of management.”

Considering the aforesaid notification, it is quite obvious that it



empowers the District Judges or Additional District Judges, to hear the appeal against the order of management of unaided educational institutions.

In the light of the same, it is required to be seen, whether National Institute of Technology is the institute, covered under the aforesaid notification. However, the answer is 'NO'.

The National Institute of Technology, Kurukshetra falls with the purview of The National Institutes of Technology Act, 2007. This Act came into existence to declare certain institutes of technology, to be institutions of national importance and to provide for instructions and research in branches of engineering, technology, management, education, sciences and arts and for the advancement of learning and dissemination of knowledge, in such branches and for certain other matters, connected with such institutions.

On the basis thereof, the first statute of National Institutes of Technology, came into existence. Vide the aforesaid Act, Regional Engineering College, Kurukshetra, was given the name of National Institute of Technology, under the NIT Act, 2007 and deemed University status. Thus, it is evident that it was the creation of the Central Government. Article 23 of the NIT Statutes, provides for the manner of appointment, on all India basis and with regard to remaining rules, it makes clear that the rules of the Central Government will apply. Article 26 of the Statute, provides the detailed procedure, vis-a-vis, the suspension, penalties and disciplinary proceedings and the punishments have been prescribed thereupon. Article 27 of the Statutes, also provides for general terms and conditions of services of temporary employees.



Undisputedly, the security guards in question, are temporary employees and their services have been terminated. To vent out their grievance, they had raised the industrial dispute, alleging illegal termination and unfair labour practice. The dispute was taken to the Industrial Dispute-cum-Labour Court, Delhi. Such being the factual position and also the notification aforesaid, to be relating to the redressal of the grievance of the employees of the unaided educational institutions, as such, the matter is not to be considered by the Education Tribunal. Specific mechanism has been provided for the redressal of the grievances of the regular/temporary employees of NIT and the Central Government rules are applicable. Even, the funding for the petitioner management is by the Central Government. On this account, the matter could not be adjudicated by the Education Tribunal.

Otherwise also, as observed in LPA-1908-2018, the remedy available under Industrial Dispute Act, as such, could not be excluded, more particularly, considering the fact of reference, at first instance, having made to the Central Industrial Tribunal.

In the light of the same, the impugned judgments, as such, brook no interference, while exercise of revisional jurisdiction. Hence, the revision petitions sans merit and the same are hereby dismissed.

December 23, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reporCRble

Yes
Yes/No