

2025:PHHC:145394



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-28257-2025

Date of decision: 17.10.2025

Prem Chand

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Chetan Bansal, Advocate,
for the petitioner.

Mr. Amit Kumar Goyal, Addl. A.G., Punjab.

KULDEEP TIWARI, J. (Oral)

1. The petitioner, by way of instant writ petition, as cast under Articles 226/227 of the Constitution of India, has approached this Court to put challenge to the award dated 19.03.2024 (Annexure P-7), passed by the Industrial Tribunal, Patiala, vide which, the reference has been answered against him, thereby, granting him the liberty to avail his remedy by approaching the Punjab Educational Tribunal.
2. On the previous date of hearing, i.e. 22.09.2025, this Court had passed the hereinafter extracted order:-

“Through the instant writ petition filed under Article 226/227 of the Constitution of India, a challenge is thrown to the order dated 19.03.2024 (Annexure P-7) passed by the Industrial Tribunal, Patiala, (Respondent no.3).

Learned counsel for the petitioner, while drawing attention of this Court, towards the impugned order,

2025.PHHC.145394



*submits that the law is already settled down by the Division Bench of this Court, in '**Savitri Devi vs. Presiding Officer, Industrial Tribunal-cum-Labour Court and others and connected petitions**' (LPA-1908-2018, dated 12.09.2024), and this aspect has not been considered while passing the impugned order.*

Notice of motion.

Mr. Sahil R. Bakshi, AAG, Punjab, accepts notice on behalf of respondents no.1 and 3, and waives service.

Notice upon respondent no.2, be issued, on furnishing the requisite process fee by the petitioner, returnable on 17.10.2025.

Dasti as well.

It is expected that all the respondents shall file their respective replies, if any, at least three days prior to the next date of hearing, with a copy in advance to learned counsel opposite.

To be shown in the urgent list.

It is made clear that no further request for an adjournment shall be entertained on the next date of hearing, on behalf of either of the parties.”

3. Today, Ms. Divya Godara, Advocate, causes appearance on behalf of contesting-respondent No.2, and does not dispute the law laid down in **Savitri Devi (supra)**.

4. In the wake of the abovesaid conceded position, this Court is not required to delve into the merits of the *lis*, still, before drawing an inevitable conclusion, it is deemed apt to refer to the relevant observations made in the **Savitri Devi (supra)**.:-

“ 1. These intra Court appeals have been filed against the order dated 13.09.2018, passed by learned Single Judge, whereby, the challenge made to the award passed by the Labour Court dated 14.03.2017 was upheld. The award dated

2025.PHHC:145394



14.03.2017, decided the reference with regard to illegal termination from service against the workman by holding that in view of the alternative remedy of approaching the educational Tribunal, constituted pursuant to the Apex Court's decision in **'T.M.A. Pai Foundation & others vs. State of Karnataka & others', 2003(2) SCT 385**, the reference was not maintainable.

2. It appears that the Labour Court as well as learned Single Judge were oblivious of the decision of this Court rendered by the Full Bench in the case of **'Ambala Central Co-op. Bank Limited Ambala Vs State of Haryana and others', 1993(2) S.C.T. 310**, where similar dispute was adjudicated upon by holding thus:-

“7. In view of the consistent decisions referred to above specifying the scope of the authorities under the Cooperative Societies Act. the Civil Court and the Labour Court and the remedies available there-under, the decision of the Division Bench of this Court in the *Kapurthala Central Cooperative Bank Limited v. State of Punjab*, (supra), does not lay down the law correctly. In this case it was held that the employee of a Co-operative Society having elected his remedy of filing an appeal under the provisions of the Act and failed there could not get the matter referred through the State to the Labour Court under Section 10 of the Industrial Disputes Act. It was also held in this case that the decision of the authorities under the Cooperative Societies Act, Registrar of the Co-operative Societies) would operate as res judicata. Since the dispute between the workmen and the Bank in the present case related to establishment of the Society, it could be referred to the Arbitrator under Section 102 and adjudicated under section 103 of the Act reproduced above. Jurisdiction of the Civil Court would obviously be barred to challenge those decisions. However, Industrial Disputes Act dealing with the special subject relating to rights of the workman and the management and the relief provided therein could only be

2025.PHHC:145394

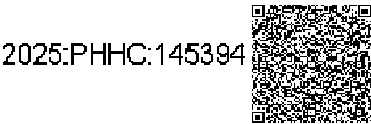


granted by the Court established under the Industrial Disputes Act. Section 128 of the Haryana Cooperative Societies Act was rightly held to be ultra vires i.e. the remedies available under the Industrial Disputes Act could not be denied to the workman of the management, a Co operative Society. In that sense the order of the Registrar passed under the provisions of the Co-operative Societies Act cannot be treated as a decision final to operate as res judicata in the Labour Court in a reference under Section 10 of the Industrial Disputes Act. Obviously when the order itself is under challenge the same cannot operate as res judicata. To sum up, it is held that after the Registrar decides the matter between an employee and employer, a Co-operative Society, with regard to the termination of his service under Sections 102 and 103 of the Haryana Cooperative Societies Act, 1984 the matter could be referred under Section 10 of the Industrial Disputes Act as an industrial dispute to the Labour Court for adjudication. It is further held that such a decision made by the Registrar under the Haryana Co-operative Societies Act would not operate as res judicata in proceedings initiated on reference under Section 10 of the Industrial Disputes Act in the Labour Court.

8. The matter be put up before the Division Bench for further proceedings.”

*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 3.09.2018, passed by learned Single Judge as well as the award dated 14.03.2017 passed by the Labour Court are set aside.”*

5. In view of the above, the impugned award dated 19.03.2024 (Annexure P-7), is **set aside**. The matter is remitted to the learned Industrial Tribunal concerned to decide afresh, in accordance with law.

6. Parties are directed to appear before the learned Industrial Tribunal concerned, on **17.11.2025**.

7. With the abovesaid observations, the instant writ petition is **disposed of**.

**(KULDEEP TIWARI)
JUDGE**

17.10.2025
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No