



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

CWP-34634-2025

Date of Decision : 26.11.2025

VIRENDER SINGH RAWAT

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Parveen Kumar Garg, Advocate,
for the petitioner.

Mr. Bhupender Singh, Addl.AG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition cast under Article 226/227 of the Constitution of India, a challenge is thrown to the reports/orders dated 27.09.2024, 01.01.2025 and 26.05.2025 (Annexures P-13, P-14 and P-18 respectively), on the ground that the contention of the petitioner regarding adopting unfair practise by respondent no.6, has not been considered in its right earnest by the authority concerned, instead, erroneously, he was directed to recourse under the provisions of Section 33-C (2) of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act of 1947')

2. While drawing attention of this Court towards the definition of 'unfair labour practise' as explained in fifth schedule attached to Act of 1947, learned counsel for the petitioner submits that the alleged action

duly falls under the unfair labour practise, therefore, the authority concerned, ought to have proceeded to file a *challan* against respondent no.6, instead of, passing the impugned orders/reports.

3. He further places reliance upon Clause 4(e) and 9 of the fifth schedule of the Act of 1947.

4. Before this Court proceed to evaluate the legality of the impugned reports/orders, lets have a glimpse upon the allegations as cast in application/complaint (Annexure P-11) preferred by the petitioner. The relevant paragraph no. 4 of the said application, is extracted hereinafter:-

“4. That the monthly salary of my husband Virender Singh Rawat as compared even to the salary of an employee, who is a member of the Hospitals Union by Fortis Management is very low as he has not been given a due salary increase/annual increments only by using the vague phrase to justify the action of not granting the due increment such as I

"Below expectation/Not to expected standards/ Underperformer/Put up under performance improvement etc. without disclosing any criteria which he had/has to achieved"as is clearly evident from a brief comparison as mentioned in the Chart given below.”

5. A perusal of the above clearly shows that it is not the petitioner's case that the other members of the union have been extended undue advantage or favoritism regardless of merit. Rather, his allegation is that he was denied the due salary/annual increment on the basis of a vague phrase.

6. This Court does not find that the allegation, as extracted above, constitutes an unfair labour practise. Rather, the dispute pertains to the determination of, as to whether, the stand of the management, alleging the petitioner to be an under-performer, is justified or not, which

is an issue that can be adjudicated only under the appropriate provisions of the Act. Therefore, no interference is warranted by this Court.

7. Consequently, the instant petition is hereby, **dismissed**.

November 26, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

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