



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

CWP-3759-2024

Date of Decision : 18.05.2026

SUNIL SAXENA

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Abhishek Jindal, Advocate,
for the petitioner (through V.C).

Mr. Tejinder Pal Singh Walia, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, cast under Article 226/227 of the Constitution of India, a prayer is made for issuance of a direction upon respondent no.1 to 4, to recover the amount of dues of Rs.1,74,000/- alongwith interest @ 7% per annum, from the date of order till its realisation, from respondent no.5, in compliance of orders dated 17.08.2011 (Annexure P-1) passed by respondent no.6, and the recovery certificate dated 11.06.2013 (Annexure P-2) issued by respondent no.4.

2. A co-ordinate bench of this Court vide order dated 01.05.2024, had passed the hereinafter extracted order:-

“1. To the question posed in the order dated 19th February, 2024, counsel for the petitioner cites the judgment of this Court (Punjab and Haryana High Court) rendered in Jagdish Chand vs. State of Haryana, 1995(2) S.C.T. 54 : Law Finder Doc Id # 22882, and refers to paragraph No.8 of the same, which is reproduced as under:-

“8. This all shows that the so-called remedy by way of punishment under Section 29 depends on the proper

exercise of the discretion by the Government. The very vesting of the discretion in the administrative authorities to sanction the prosecution considerably reduces the efficacy of the so-called remedy. It is legitimate to take judicial notice of the tardy and long procedure which has to be undergone before an application under Section 29 is decided. An employee has to pass through various channels of the Government before he can persuade the competent authorities to spare their time for consideration of his request. The negative attitude adopted by the Labour Department of the Government even in making reference of the disputes and the time consuming procedure are the two factors which reduce the so-called remedy under Section 29 to a farce. Similarly, mere making of an order under Section 33C(2) of the Act of 1947 does not by itself give relief to the workman. An effective remedy is one by means of which a right of the workman can be enforced and violation of that right can be prevented. If availing of a remedy depends on the discretion of other, it can hardly be termed as a remedy in real sense. Therefore, I am clearly of the opinion that the so-called remedies available to the workman under Sections 29 and 33-C(2) of the Industrial Disputes Act, 1947, cannot be termed as equally efficacious alternative remedies so as to entitle the Court to deny relief to an aggrieved workman.”

2. Counsel for the petitioner submits that despite filing the application in the year 2015, till 2019, the amount has not been recovered in compliance to the order dated 17.08.2011, passed by respondent No.6 - learned Industrial Tribunal, Patiala, in the application filed under Section 33-C(2) of the Industrial Disputes Act, 1947.

3. Learned State counsel (appearing for respondents No.1 to 4), would file the reply on or before the next date of hearing.

4. Adjourned to 01.07.2024. ”

3. In compliance to the aforesaid order, a short reply dated 12.02.2026, on behalf of respondents no.1, 2 and 4, was filed, wherein a specific stand has been taken that it is the petitioner who has not turned up to the office of respondent no.4, for release of the amount as per rules, which is still lying deposited with their office.

4. Faced with the above, learned counsel for the petitioner submits that the petitioner would visit the office of respondent no.4, within a period of 15 days from today and upon doing so, a direction may be passed to release the aforesaid amount in his favour.

5. In view of the above, at this stage, the instant petition, is **disposed of**, with a *mandamus* upon respondent no.4 to release the aforesaid amount forthwith in favour of the petitioner, upon him approaching to their office, within a period of 15 days from the date of receipt of a certified copy of this order.

6. All pending application(s), if any, also stand **disposed of** accordingly.

May 18, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

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