



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

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CWP-7294-2002 (O&M)
Date of decision: 15.05.2026

Rajinder Singh

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.K. Bagri, Advocate for the petitioner.

Mr. Vikrant Pamboo, Addl. A.G., Haryana
for respondents No.1 to 3.

Mr. Piyush Khanna, Advocate for respondent No.4.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the retrenchment order dated 11.01.2002 (Annexure P-5). Further a writ of *mandamus* has been sought, directing the respondents to retain 16% of original Backward classes candidates out of 50 i.e. at least 08 and since the petitioner is at No.7, he is entitled to be retained in view of the Instructions issued by the Government of Haryana. Further prayer has been made to direct the respondents to reinstate the petitioner in service with full back wages.

2. Learned counsel for the petitioner has contended that the petitioner was appointed as Salesman on 24.12.1979 against the Backward Class quota, completed training, joined service on



03.04.1980, and his seniority was fixed at No.134 in the overall list and at Serial No.7 in the Backward Class category. Despite this, he was retrenched vide order dated 11.01.2002 while a junior, Sh. Lal Chand (Seniority No.310 in overall list, also Backward Class), was retained pursuant to the stay order granted by this Court. He has further argued that the selective retention of a junior (Sh. Lal Chand) in the same category while retrenching the petitioner despite being senior, is arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India. Learned counsel for the petitioner has relied upon the Government Instructions dated 16.02.1966 which provides for protection of reserved categories in retrenchment. He has further argued that the petitioner, being senior in the Backward Class category and within the required quota, is entitled to retention and reinstatement with full back wages.

3. *Per contra*, learned counsel for respondent No.4 has submitted that the present writ petition is not maintainable. The petitioner has approached this Court without availing the alternative and efficacious remedy available to him under the Industrial Disputes Act, 1947. He has further submitted that the retrenchment of the petitioner was effected after due compliance with the provisions of Section 25F of the Industrial Disputes Act, 1947, and the petitioner neither raised any industrial dispute nor sought any reference under Section 10 of the said Act. He has further contended that the present petition is liable to be dismissed on the ground that the petitioner has not challenged the



decision of the Board of Directors dated 01.10.2001 and the approval granted by the Registrar, Cooperative Societies, Haryana, for abolition of 342 posts of Salesmen. In the absence of any challenge to the policy decision and the order of abolition of posts, on the basis of which the retrenchment was carried out, the writ petition is liable to be dismissed on this ground alone. He has further submitted that the retrenchment was carried out strictly as per the seniority list after maintaining the roster points for reservation. The case of Sh. Lal Chand cited by the petitioner is clearly distinguishable, inasmuch as he was retained only pursuant to an interim order passed by this Court in his favour and the said retention cannot confer any enforceable right or parity upon the petitioner.

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

5. From the perusal of the record, it is apparent that the retrenchment of the petitioner was a consequence of a policy decision taken by the Board of Directors of respondent No.4 on 01.10.2001 for abolition of 342 posts of Salesmen due to heavy losses being suffered by the organization, which was duly approved by the Registrar, Cooperative Societies, Haryana. The petitioner has not challenged the said policy decision or the order of abolition of posts. In the absence of any challenge to the root cause of the retrenchment, the impugned order dated 11.01.2002 cannot be assailed in isolation. This itself is sufficient to non-suit the petitioner.

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6. Apart from the above, the petitioner has an efficacious alternative remedy under the Industrial Disputes Act, 1947. The retrenchment of the petitioner was carried out as per the seniority list and after due compliance with Section 25F of the Act. However, the petitioner neither raised an industrial dispute nor sought a reference under Section 10 of the Act. It is settled law that where a statutory remedy is available, particularly in matters relating to retrenchment, a writ petition should ordinarily not be entertained.

7. The reliance placed by the petitioner on the case of Sh. Lal Chand is wholly misconceived. Sh. Lal Chand was retained only because of an interim order passed by this Court in his individual case. An interim order passed in favour of one employee does not create any enforceable right in favour of the petitioner nor can it be treated as a binding precedent. Moreover, the Government Instructions dated 16.02.1966 does not confer an absolute right upon the reserved category employees to continue in service despite reduction of posts due to restructuring.

8. In view of the above, no case for interference is made out. The writ petition is accordingly dismissed.

9. Pending miscellaneous application, if any, also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

15.05.2026

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No