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(I) CWP-33818-2019
Date of Decision : March 24, 2026

KARAMBIR SINGH

-PETITIONER

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND ANOTHER

-RESPONDENTS

(II) CWP-33887-2019

RAM KUMAR SINGH

-PETITIONER

V/S

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AND ANOTHER

-RESPONDENTS

Present: Mr. Rakesh Dhiman, Advocate
for the petitioners.

1. Both these writ petitions are amenable for being decided through a common verdict on account of their embodying alike facts and a common question of law for adjudication. For the sake of brevity and convenience, the relief yearned in CWP-33818-2019 is extracted hereinafter.
2. Feeling aggrieved by the order dated 08.02.2019 rendered by the learned Industrial Tribunal-cum-Labour Court-II, Gurugram, whereby,

reference has been returned unanswered, on account of non-maintainability, the workman-petitioner has approached this Court by way of instant writ petition, as cast under Articles 226/227 of the Constitution of India.

3. At the very outset, learned counsel for the petitioners submits that the learned Industrial Tribunal erred in holding that the references were not maintainable, in view of the decision rendered by the Hon'ble Supreme Court in **TMA Pai Foundation and others Vs. State of Karnataka, 2002 (8) SCC 481**, and the apposite notifications issued by the Haryana Government. He further submits that since there was apparent violation of Sections 25F, 25G and 25H of the Industrial Disputes Act, 1947, (for short, 'the Act'), the learned Industrial Tribunal was under obligation to adjudicate the reference on merits. Even otherwise, the workmen-petitioners were well within their rights to raise industrial dispute, rather than, availing the remedy to file appeals before the learned District and Sessions Judge concerned, as has wrongly been held by the learned Industrial Tribunal. To substantiate his arguments, he places reliance upon an order dated 06.02.2025, passed by a Coordinate Bench in a bunch of petitions, lead case being **CWP-11288-2016 (Sunil Kumar Vs. Presiding Officer, Industrial Tribunal-cum-Labour Court, Ambala and others)**.

4. Learned senior counsel for the respondent No.2 does not dispute the law laid down by the Hon'ble Supreme Court as well as by this Court, on the matter in issue.

5. This Court has heard learned counsel for the parties, and perused the record.

6. The only question which arises for determination of this Court is, as to whether, the learned Industrial Tribunal concerned has the jurisdiction to adjudicate the references on merits or not?

7. Before proceeding with the matter, this Court is reminded that the Hon'ble Supreme Court has categorically held that the remedy under the Act of 1947, cannot be overpowered by any special law. *Ex facie*, the issue involved for consideration is no more *res integra*, as a Division Bench of this Court has already considered the same, in a bunch of appeals, lead case being **LPA-1908-2018 (Savitri Devi Vs. Presiding Officer, Industrial Tribunal-cum-Labour Court and others)**, decided on 12.09.2024. For the sake of clarity, it would be expedient to extract the relevant part of the verdict (supra), and the same reads as under:-

*“ 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 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 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.”

8. In view of the position sketched out above, there is hardly any scope for this Court to re-examine the issue, which has already been settled by the Hon’ble Supreme Court, and as demonstrated above, has been followed by the Division Bench of this Court. Accordingly, the **impugned orders dated 08.02.2019 (in both writ petitions) are set aside.** The matter is remitted to the learned Industrial Tribunal concerned to decide afresh, in accordance with law.

9. Parties are directed to appear before the learned Industrial Tribunal concerned on 20.04.2026.

10. With the abovesaid observations, both these writ petitions are disposed of.

11. A photocopy of this order be placed on file of connected case.

March 24, 2026
devinder

(KULDEEP TIWARI)
JUDGE

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