

(1995) 03 P&H CK 0049
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 813 of 1994

Amrik Singh

APPELLANT

Vs

Superintending Engineer, Rural Water Supply and Others

RESPONDENT

Date of Decision : 23-03-1995

Acts Referred:

Industrial Disputes Act, 1947 — Section 25F

Citation : (1997) 3 LLJ 667 : (1995) 111 PLR 485

Hon'ble Judges : Jawahar Lal Gupta, J

Bench : Single Bench

Advocate : Gur Rattan Pal Singh, for the Appellant; D.S. Dhillon, AAG for Respondent Nos. 1 to 3 and Sanjiv Bansal, for Respondent No.4, for the Respondent

Final Decision : Allowed

Judgement

Jawahar Lal Gupta, J.—The petitioner was working as a Helper under the Executive Engineer, Rural Water Supply, SAS Nagar, Mohali. His services were terminated on January 7, 1994. The petitioner challenges it on the ground that the action of the respondents was violative of the provisions of Section 25-F of the Industrial Disputes Act.

2. The respondents have filed a written statement. It is, however, admitted that the petitioner had completed 240 days in the 12 months preceding the date of termination. It is also not disputed that provisions of Section 25-F of the Industrial Disputes Act have not been complied with.

3. In view of the above-noted admitted position, Mr. Gur Rattan Pal Shigh, learned counsel for the petitioner submits that the termination of the services of the petitioner was illegal and the petitioner is entitled to be reinstated. Learned counsel, however, very fairly concedes that the benefit of back wages may not be given to the petitioner.

4. On behalf of the respondents, it has been urged that the petitioner has an

effective alternative remedy under the Industrial Disputes Act. Reference has been made to the decision of a Full Bench of this Court in Manohar Lal v. State of Punjab 1983 (85) P.L.R.666. It has been categorically held by their Lordships that the remedy before the Labour Court is an effective alternative remedy.

5. There is no dispute on facts. It is the admitted position that the petitioner had worked for more than 240 days. It is also not denied that the provisions of Section 25-F were not complied with. Since there is no dispute on facts, no useful purpose would be served by relegating the petitioner to his remedy under the Industrial Disputes Act, 1947.

6. Accordingly, the writ petition is allowed. It is ordered that the respondent shall reinstate the petitioner within 2 weeks from the date of receipt of a copy of this order.

7. In the circumstances of the case, there shall be no order as to costs.