
(1995) 03 P&H CK 0027
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 9930 of 1993

Rajbir	Vs	APPELLANT
State of Haryana and Others		RESPONDENT

Date of Decision : 22-03-1995

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1995) 110 PLR 369

Hon'ble Judges : Jawahar Lal Gupta, J

Bench : Single Bench

Advocate : Abha Rathore, for the Appellant; Jaswant Singh, for the Respondent

Final Decision : Dismissed

Judgement

Jawahar Lal Gupta, J.—The petitioner who was appointed as a Helper on daily wages with the Haryana Roadways on October 22, 1992, is aggrieved by the order dated July 31, 1993, by which his services were terminated. The petitioner alleges that the termination was violative of the provisions of Section 25-F of the Industrial Disputes Act and that he is entitled to be reinstated with full back wages. It has been further alleged that persons junior to him were allowed to continue in service and certain persons had been appointed after his services were terminated without giving him an opportunity to work on the post.

2. In the written statement filed on the behalf of the respondents, it has been admitted that the petitioner had completed 241 day service on the date his service were terminated. However, the petition is still resisted on the ground that the petitioner has an effective alternative remedy before the Labour Court.

Counsel for the parties have been heard.

3. Ms. Abha Rathore, learned counsel for the petitioner submits that the termination of the petitioner's services was illegal and that he is entitled to be reinstated with full back wages.

4. Mr. Jaswant Singh appearing for the respondents contests this position. He submits that if the petitioner is relegated to the alternative remedy before the Labour Court, the respondents shall be able to lead evidence to show that he was gainfully employed and that he is not entitled to be reinstated.

5. A Full Bench of this Court in *Manohar Lal v. State of Punjab* (1983) 85 P.L.R. 666 has categorically held that the remedy before the Labour Court is an effective alternative remedy. On this basis, their Lordships were pleased to dismiss the writ petition. In view of this binding precedent, there is no ground which should persuade this Court to take a different view. In the circumstances of this case, it appears to be just and reasonable to relegate the petitioner to the alternative remedy before the Labour Court. This would enable the respondents to lead such evidence as may be in their possession so as to controvert the claim made by the petitioner.

6. Ms. Abha Rathore has further submitted that in view of the fact that the respondents have admitted that the petitioner had completed 241 days of service the petitioner need not be relegated to his remedy under the Industrial Disputes Act. Prima facie the arguments appears to be attractive. However, one cannot lose sight of the fact that the challenge to the order of termination is not only on the ground of violation of Section 25-F of the Act. Various other pleas have also been raised. Still further, the petitioner claims back wages. Normally, one cannot imagine as to how any one can survive for a long time without doing any work. However, this is a matter on which the respondents claim that they can lead evidence. In this situation, it does not appear to be fair to deprive them of an opportunity to do so.

7. Accordingly, I desist from expressing any opinion on the merits of the case. The petitioner is relegated to his remedy under the Industrial Disputes Act. The writ petition is accordingly dismissed. In the circumstances, there will be no order as to costs.