

(2010) 09 P&H CK 0301

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 17317 of 2008

PWD Labour Union
and Others

APPELLANT

Vs

State of Punjab and
Others

RESPONDENT

Date of Decision: Sept. 10, 2010

Acts Referred:

- Constitution of India, 1950 - Article 226, 227
- Industrial Disputes Act, 1947 - Section 33C(2)

Hon'ble Judges: Ajai Lamba, J

Bench: Single Bench

Judgement

Ajai Lamba, J.

This civil writ petition has been filed under Article 226/227 of the Constitution of India, praying for issuance of a writ in the nature of certiorari, quashing Order dated 15.9.2008 (Annexure P-8) passed by respondent No. 4 i.e. Executive Engineer, Division No. 1, PWD (B & R), Patiala, vide which the petitioners have been asked to join duties on Saturday also despite the notification issued by the Punjab Government.

2. The facts in detail are not required to be given in so much as it is the conceded position that there would be disputed questions of facts for adjudication. Matter needs to be relegated to authority u/s 33-C(2) of the Industrial Disputes Act, 1947 (for short, "the Act"). It transpires that some of the petitioners have already approached the authority for making claim u/s 33-C(2) of the Act.

3. Learned Counsel for the petitioners has relied on judgment dated 13.2.2009 rendered by this Court in Civil Writ Petition No. 20865 of 2008 titled "Commission Secretary, Printing and Stationery, Haryana and Anr. v. Presiding Officer, Labour Court, U.T. Chandigarh and Anr."

4. Learned Counsel for the respondent-State contends that the respondents would not have any objection if the petitioners are relegated to the remedy under the Industrial Disputes Act.
5. This petition is accordingly disposed of while holding that the petitioners, who have not approached the authority u/s 33-C(2) of the Act, would be entitled to approach the Tribunal under the Act.