CNR No: PHHC010773202026
2026:PHHC:133577-DB

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(112) **LPA-1669-2026 (O&M)**

THE BOOTHGARH COOPERATIVE AGRICULTURAL SERVICE SOCIETY LTD., BOOTHGARH

... APPELLANT

Versus

THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, LUDHIANA AND ANOTHER

... RESPONDENTS

Judgment Reserved on	Judgment Pronounced on	Judgment Uploaded on	Whether only the operative part of the judgment is pronounced	Whether the full judgment is pronounced
10.09.2026	17.09.2026	18.09.2026	No	Yes

CORAM:- HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE RAJESH GAUR

Present:- Mr. Harjot Singh Bedi, Advocate
for the appellant.

****

SUVIR SEHGAL, J.

1) By way of the present intra-court appeal filed under Clause X of the Letters Patent, appellant has challenged judgment dated 28.04.2025 passed by the learned Single Judge, whereby writ petition filed by appellant-Society was dismissed and award dated 15.09.2011, Annexure P-2, passed by the Labour Court was upheld.

KAMAL SHARMA
2026.09.18 10:54
I attest to the accuracy and
authenticity of this order/judgment.
High Court, Sector-1, Chandigarh.

2) Factual matrix leading to the filing of the present appeal is that respondent No.2 was working as a Salesman with appellant-Society and he was made In-charge of the Consumer Cell. Upon closure of the Consumer Cell, services of respondent No.2 were terminated vide resolution dated 24.05.1999. Respondent No.2 served a demand notice under the Industrial Disputes Act, 1947 (for short "the ID Act"). Vide award dated 15.09.2011, Annexure P-2, Labour Court held that retrenchment was illegal and in violation of the mandatory provisions of the ID Act. Respondent No.2 was directed to be reinstated with continuity of service and 50% back wages.

3) Mr. Harjot Singh Bedi, counsel for the appellant has argued that the Labour Court lacked the jurisdiction to entertain the dispute. He contends that the workman had chosen the statutory remedy under the Punjab State Cooperative Agricultural Service Societies Service Rules, 1997 (for short "the rules") and was barred by virtue of the doctrine of election of remedies, from initiating proceedings under the ID Act.

4) We heard counsel for the appellant, considered his arguments as well as examined the record with his assistance.

5) The question that arises for consideration is as to whether a workman, who possesses dual statutory options to agitate an employment dispute, can be restricted from pursuing the remedy under the ID Act, where he has already availed of a remedy under the rules. This issue is no longer *res integra*. Learned Single Judge dismissed the writ petition by placing reliance upon the legal position settled by a Division Bench of this Court in ***Savitri Devi Versus Presiding Officer, Industrial Tribunal-cum-Labour Court and***

KAMAL SHARMA
2026.09.18 10:54
I attest to the accuracy and
authenticity of this order/judgment.
High Court, Sector-1, Chandigarh.

others, (*LPA No.1908 of 2018*, decided on 12.09.2024). In ***Savitri Devi's*** case (*supra),* a Co-ordinate Division Bench held that where a workman has more than one statutory remedy available, he or she is free to choose the remedy to be pursued. It has been laid down that a Labour Court cannot reject a reference merely because an alternative administrative statutory remedy exists, nor can it compel the workman to exhaust the alternative departmental remedy before invoking jurisdiction under the ID Act.

6) This principle is established from the view expressed by Hon'ble the Supreme Court in ***Andhra Pradesh State Road Transport Corporation and another Versus M. Ramadevi and others***, ***(2008) 3 SCC 379*** as well as ***Premier Automobiles Ltd. Versus Kamlekar Shantaram Wadke of Bombay and others***, ***(1976) 1 SCC 496***. Apex court has held that the jurisdiction of an Industrial Tribunal to adjudicate industrial disputes, involving violations of the statutory provisions of the ID Act, cannot be ousted, merely, because of the existence of a remedy under the local cooperative service regulations, unless there is a specific exclusion of the provisions of the ID Act. Neither Punjab Cooperative Societies Act, nor rules framed thereunder, bar the jurisdiction of the Industrial Tribunal over retrenchment or violations of labour law. Moreover, doctrine of election of remedies applies only when the two remedies are inconsistent. Remedy under the ID Act addresses unique public law protection and statutory relief such as reinstatement, back wages, unfair labour practice etc., which cannot be granted under the departmental rules. Still further, an analysis of the impugned judgment reveals that during the proceedings before the learned Single Judge, counsel for the parties were *ad-*

KAMAL SHARMA
2026.09.18 10:54
I attest to the accuracy and
authenticity of this order/judgment.
High Court, Sector-1, Chandigarh.

idem that primary question regarding jurisdiction has been decided and answered by the Division Bench's judgment in ***Savitri Devi's*** case (*supra)*. A bunch of petitions was decided by the learned Single Judge vide the impugned judgment. Counsel for the appellant has not been able to refer to any appeal filed against the aforesaid judgment in the connected matters.

7) Insofar as award of reinstatement and 50% back wages is concerned, appellant did not address any argument on merits before the Single Bench. He cannot be permitted to question the award, on merits, for the first time in this appeal. This Court is, therefore, of the view that there is no illegality, perversity or jurisdictional error in the judgment passed by the learned Single Judge.

8) As the present Letters Patent Appeal is bereft of merit, it is dismissed, though with no order as to costs.

9) All pending civil miscellaneous applications, if any, shall also stand disposed of.

(SUVIR SEHGAL)
JUDGE

(RAJESH GAUR)
JUDGE

17.09.2026
Kamal

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes

KAMAL SHARMA
2026.09.18 10:54
I attest to the accuracy and
authenticity of this order/judgment.
High Court, Sector-1, Chandigarh.