



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP-25469-2018**

**Date of decision: 22.08.2025**

Parkashi .....Petitioner

Versus

Director/Principal, P.G.I.M.S., Rohtak and another .....Respondents

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Deepak Girotra, Advocate, and  
Ms. Prajjwal Jaiswal, Advocate,  
for the petitioner.

Mr. Bhuwan Vats, Advocate, and  
Ms. Chahat Vats, Advocate,  
for respondent No.1.  
(Through Video Conferencing)

Mr. Bhupender Singh, Addl. A.G., Haryana.

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**KULDEEP TIWARI, J.** (Oral)

1. The instant writ petition, as cast under Articles 226/227 of the Constitution of India, is directed against the award dated 28.09.2016 (Annexure P-3), passed by the learned Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak, whereby, claim preferred by the petitioner has since been rejected, being barred by limitation, in view of Section 2A(3) of the Industrial Disputes Act, 1947, (for short, 'the Act'), which mandates that the claim petition should be filed within three years from the date of discharge, dismissal, retrenchment or otherwise.

2. The short and the only ground, upon which the learned Tribunal, has rejected the claim of the petitioner is that she had worked up to July, 2009, whereas, the claim petition was filed in the year 2015.



3. Learned counsel for the petitioner submits that the decision of the learned Tribunal was predicated upon clause 2A(3) of the Act, which was inserted by Act No.24 of 2010. He submits that, in fact, the Act No.24 was not in operation on the date when the impugned award was rendered by the learned Tribunal, as the same had already been repealed by virtue of the Repealing and Amending Act No.23 of 2016. However, this crucial aspect has not been taken into consideration by the learned Tribunal, while passing the impugned award. To lend credence to his submissions, he places reliance upon a decision dated 03.02.2025, rendered by a Coordinate Bench of this Court, in a bunch of nine petitions, lead case being **CWP-20272-2023 (Nannu Ram Vs. National Institute of Pharmaceutical Education & Research, SAS Nagar, Mohali and others)**, vide which, the matter was remanded to the Tribunal concerned, to decide the issue afresh, in the light of the Act No.23 of 2016.

4. The relevant observations made in paragraphs 3 to 7 of the judgment (supra), read as under:-

*“3. Learned counsel for the petitioners submits that the claim petitions which were filed in the year 2013 have been dismissed vide order dated 01.11.2022 (Annexure P-1) by placing reliance upon the Act No.24 of 2010 in view of Section 2A(3) of the 1947 Act. It is submitted that on the date when the said Section 2A(3) was taken into account for deciding upon the said claim petition while passing the impugned award, the same had already been repealed by the Repealing and Amending Act No.23 of 2016 (for short "Act No.23 of 2016") on 09.05.2016. It is further submitted that in November, 2022, the repealed Act No.24 of 2010 could not have been taken into account merely on*



*the ground that the dispute was raised when Section 2A(3) was in operation.*

*4. Learned counsel appearing on behalf of respondent no.2 submits that once on the date when the said claim petitions were filed by the petitioners under Section 2A of the Act, Section 2A(3) was in operation, therefore, the same has to be taken into account even if the said provision has been repealed subsequently.*

*5. I have heard learned counsel for the parties and have gone through the record with their able assistance.*

*6. In the impugned order, the Labour Court has held that keeping in view Section 2A(3) of the 1947 Act, the reference was not maintainable hence, the same cannot be adjudicated on merits. The argument which was raised on behalf of the argument that on the date when the consideration is being given qua their entitlement of the relief claimed, Section 2A(3) of 1947 Act had also been deleted by way of the Act No.23 of 2016 and was not in force so as to take the same into consideration. The Labour Court was required adjudicate the same before recording the finding qua maintainability of the reference raised by the petitioners. A bare perusal of the impugned order would go on to show that the said question has not been decided whether despite passing of the Act No.23 of 2016, by which Section 2A(3) of the 1947 Act has been deleted and the same was not in existence on the date the Labour Court was considering the issue, the petitions were maintainable or not? The relevant factor, i.e. Act No.23 of 2016, has not been at all taken into account by the Labour Court so as to hold the non-maintainability of the references before the Labour Court. The relevant aspect has been ignored by the Labour Court while passing the impugned order.*

*7. Keeping in view the above, the orders dated 01.11.2022 (Annexure P-1) is set aside and the case is remanded back to the Tribunal-Labour Court for adjudicating upon the reference petitions taking into consideration the fact that Section 2A(3) had already been deleted during the pendency of the reference petitions filed by the petitioners under Section 2A of the 1947*



*Act. It may be noted that due opportunity be given to the respondents to present their case qua the said aspect and the question of law.*

5. Learned counsel for respondent No.1, as also the learned State counsel do not dispute the abovesaid factual aspect of the matter. Rather, learned State counsel fairly submits that even a bunch of Letter Patent Appeals, preferred by the Management, against the judgment dated 03.02.2025, has also been dismissed.

6. In view of the position sketched out above, this Court is not required to delve any further into the merits of the case. Accordingly, the impugned award dated 28.09.2016, is hereby set aside. The matter is remitted to the learned Tribunal concerned, for decision afresh, in accordance with law.

7. With the abovesaid observations, the petition is accordingly **disposed of.**

**(KULDEEP TIWARI)**  
**JUDGE**

**22.08.2025**  
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No