



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

**CWP-25458-2025**

**Date of decision: 05.09.2025**

Indus World School, Rajgarh State, South City, Ludhiana

....Petitioner

Versus

Industrial Tribunal Ludhiana and another

....Respondents

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

Present: Mr. Sameer Sachdeva, Advocate,  
for the petitioner.

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

1. The petitioner-Management, by filing instant writ petition under Article 226/227 of the Constitution of India, seeks quashing of an application (Annexure P-3), filed by its employee (respondent No.2), under Section 33-C(2) of the Industrial Disputes Act, 1947 (for short, the Act of 1947'), primarily on two grounds:-

a) that the petitioner, being privately managed (unaided) school does not fall within the ambit of industry, and therefore, it is not amenable to the provisions of the Act of 1947. Rather, the service conditions of its employees are governed by the Punjab Privately Managed Recognized Schools Employees (Security of Service) Act, 1979, and as per Section 8 and 9 thereof, jurisdiction to hear the dispute between the Management of Educational Institutions and their employees is exclusively vested with the learned Educational Tribunal;



b) In case, the petitioner does come within the purview of industry, and amenable to the provisions of the Act of 1947, still respondent No.2 does not fall within the ambit of 'workman', as defined under Section 2 thereof.

3. Learned counsel for the petitioner has been heard at length, however, he is unable to satisfy this Court on the first ground. He, then, proceeds to address arguments on the second ground, by submitting that respondent No.2 does not cover under the definition of workman. Therefore, the impugned application, at the first instance, ought to be quashed by invoking the writ jurisdiction.

4. This Court has considered the submissions on the second issue, as well, but the same are not accepted, for the reason that the petitioner, by causing appearance before the learned Industrial Tribunal concerned, can file its reply/objection to the application (supra), raising this issue as preliminary objection. However, this Court is of the considered view that a Mandamus is also required to be passed upon the learned Tribunal concerned that in case, the petitioner-Management files a reply/objection, in this regard, it shall decide the preliminary objection first, and thereafter, proceed further with the matter.

5. With the abovesaid observations, the instant writ petition is **disposed of.**

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

05.09.2025  
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No