

**Popi Lal and others Vs. Municipal Corporation, Faridabad  
& another**

Present: Mr. Shiv Kumar, Advocate  
for the applicants

Mr. Narender Hooda, Advocate  
for respondent No.1

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This review application arises out of a common order dated 27.9.2005 passed by a learned Single Judge of this Court whereby Writ Petition No. 9929 of 2001 has been dismissed. It is, in our opinion, unnecessary to set out the facts in the backdrop whereof the controversy leading to the passing of the order under review arose before the learned Single Judge. We say so because after arguing the matter at considerable length learned counsel for the review applicants submitted that the review applicants-petitioners were ready to seek redress in a suitable reference before the Labour Court for redress and adjudication of the questions that arise for consideration provided the observations made by the learned Single Judge in the order under review do not stand as an impediment for the authorities from whom such redress may be sought. It is argued that the findings recorded by the learned Single Judge on various issues including the question whether or not the respondent-Corporation is an Industrial Establishment within the meaning of Industrial Disputes Act and whether or not the review applicants-petitioners are Workmen entitled to any protection under the provisions of the said Act, would operate as res judicata for the review applicants as also for the Labour Court preventing the latter from going into the said issues even if a reference is made by the Government for

its determination. It is submitted that if the order passed by the learned Single Judge is set aside and issues raised in the writ petition left open, the review applicants- petitioners herein would be ready to withdraw the writ petition reserving liberty to approach the Labour Court concerned in accordance with law for appropriate relief and redress.

Mr. Hooda, learned counsel appearing for the respondent- Corporation on the other hand submitted that Corporation would have no difficulty in case all the issues factual and legal including the issue whether or not the Corporation is an Industrial Establishment and whether or not the applicants are Workmen entitled to any protection under the Industrial Disputes Act are left to be open to be determined in appropriate proceedings by the appropriate authorities.

In the circumstances, therefore, and keeping in view the submissions made at the bar, we allow this review application, set aside the impugned order in so far as the same dismisses Writ Petition No. 9929 of 2001 qua the review applicants and allow the review applicants-petitioners in the application to withdraw the writ petition to the extent the same pertains to them with liberty to seek appropriate redress in appropriate proceedings before the appropriate authorities in accordance with law. We make it clear that neither the learned Single Judge nor this Court shall be deemed to have expressed any opinion on any question of fact or law raised in these proceedings and the authorities approached by the review applicants for redress shall be free to go into all the issues including the issue whether or not the Corporation is an Industrial Establishment and the

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CWP No. 9929 of 2001

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applicants-Workmen entitled to any protection under the provisions of the  
said Act. No costs.

**(T.S.THAKUR)**  
**CHIEF JUSTICE**

**(JASBIR SINGH)**  
**JUDGE**

**24.12.2008**  
'ravinder'