

made by the workman was denied by the petitioner management on the ground that the workman had abandoned the service of the petitioner management of his own to avoid return of advance of Rs. 65,000/- taken by him in September 2004. The petitioner management had relied upon a letter dated 20.10.2004 purported to have been written by the respondent workman to the petitioner management permitting it to deduct Rs. 2,000/- per month from his salary towards re-payment of advance of Rs. 65,000/- allegedly taken by him in September 2004.

5. The case put up by the management before the Labour Court was that despite letter dated 20.10.2004 written by the respondent to the management, he did not allow the petitioner management to deduct Rs.2,000/- per month from his salary ever since loan of Rs. 65,000/- was taken by him. The further case of the management was that the workman abandoned the service of the petitioner of his own accord to avoid return of the advance taken by him in September 2004. This case set up by the management was not believed by the Court below.

6. I have gone through the impugned award carefully but on going through the same, I do not find any perversity or illegality in the said award that may call for an interference by this Court under Article 227 of the Constitution of India. I am in complete agreement with the reasoning given in the impugned award to arrive at a conclusion that the services of the respondent workman were illegally terminated by the petitioner management. It may be noted that the alleged advance of Rs. 65,000/- was given in cash and not by means of any account payee cheque or pay order. It sounds strange that in case the respondent workman had taken the advance as alleged by the management and had written a letter dated 20.10.2004 asking the management to deduct Rs. 2,000/- per month from his salary to adjust the re-payment of advance, then what

prevented the management from making the deduction from his salary for the months of October onwards till the date he was terminated on 08.02.2005. This creates a serious doubt on the bonafides of the defense set up on behalf of the management in proceedings before the Labour Court.

7. In view of the above, I do not find any merit in this writ petition, which fails and is hereby dismissed in limine. The stay application is also dismissed.

NOVEMBER 04, 2009
'BSR'

S.N.AGGARWAL, J