

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.W.P. No.13494 of 1993)O&M)
DATE OF DECISION : 13.1.2015

The Punjab and Sind Bank and others

PETITIONERS

VERSUS

The Presiding Officer, Central Government Industrial Tribunal, Labour
Chandigarh and another

... RESPONDENTS

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present:- Shri I.P.Singh, Advocate for the petitioners.

None for the respondents.

MAHESH GROVER, J.

There is no representation on behalf of the respondents despite the fact that the case has been called repeatedly during the course of the day.

The petitioners have impugned the award of the Labour Court dated 7.6.1993 (Annexure P-5).

The workman/respondent No.2 was working as a Sweeper and he alleged that he was cleaning 10,368 sq.ft. of the area which was more than the prescribed area of 9000 sq.ft. and as per the settlement inter-se between the Management and the Workers Union, he would be entitled to full wages and 1/3rd of the wages in this eventuality. He thus claimed an amount of Rs.11,000/- for sweeping and cleaning.

The petitioners denied this to contend that the total area required to be cleaned up by the workman was 7831.83 sq.ft. In support of their plea they placed on record the report of the Architect who was examined as MW-2.

Since there is no representation on behalf of the respondents, the Court has examined the issue.

The dispute raised by the petitioners centres around the measurement of the area which was duly verified by the report of the Architect duly supported by his testimony as MW-2. As against this, the workman has merely referred to an assertion without leading any cogent evidence.

Consequently, the impugned award which has been passed on the basis of a bald assertion of the workman as against the material duly supported by evidence, has certainly to be faulted with.

The petition is therefore, accepted and the impugned award is set aside.

January 13, 2015
GD

(MAHESH GROVER)
JUDGE