

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

CR No.7292 of 2013 (O&M)

Date of decision: 05.10.2015

M/s. Tightwell Fastners

....Petitioner

Versus

Presiding Officer and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Kulvir Narwal, Advocate
for the petitioner.

None for the respondents.

RITU BAHRI J. (Oral)

The present revision petition has been filed for setting-aside the impugned orders dated 14.05.2013 (Annexure P-5) and 03.10.2013 (Annexure P-7), passed by Industrial Tribunal-cum-Labour Court, Rohtak.

The workman-Zile Singh had made an application (Annexure P-3) for removing the enquiry documents as there was no pleading regarding the enquiry made by the management.

In reply to the said application dated 25.08.2010, the management has specifically stated that the applicant was never terminated on 20.01.2004 and no cause of action accrued to him on 20.01.2004. He was never penalised under the pretext of transfer to Aurangabad. The management had asked the applicant

to come for work and was afforded all sort of assistance in terms of the direction given to him. It has been specifically mentioned that the letters were sent by the management to the applicant for work at the place of transfer.

A perusal of Zile Singh as W.W.1, reveals that the chargesheet, enquiry were put to him in his cross-examination.

While allowing the application (Annexure P-3) on 14.05.2003, the Labour Court has observed that these documents were not put to the workman, when he was appearing as a witness. This finding is incorrect as per Annexure P-2 and further perusal of Annexure P-1, shows that the management had put these documents at Sr. No.28, 29, 32 and 33.

So, in view of the above facts and circumstances, the present revision petition is allowed and the orders dated dated 14.05.2013 (Annexure P-5) and 03.10.2013 (Annexure P-7), passed by Industrial Tribunal-cum-Labour Court, Rohtak, are hereby set-aside.

(RITU BAHRI)
JUDGE

05.10.2015
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