

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4806 of 1993

Date of Decision: 01.12.2015

Shiv Sagar

... Petitioner

Versus

Presiding Officer, Labour Court,
Patiala and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. A.P. Kaushal, Advocate,
for the petitioner.

None for the respondents.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

1. This case was admitted in 1993. At one stage it was put up before the Lok Adalat attached to this Court. It has been recorded in the observations dated May 06, 1999 that there was no possibility of a compromise in view of the non-cooperation of the workman that is how the matter was returned to Court for a decision on merits. The action was brought against the Punjab State Agricultural Marketing Board, Chandigarh by the petitioner claiming relief against illegal termination of services.

2. The management had set up the defence of abandonment of service as a consequence of a demand made by the management to the workman to produce his Matriculation certificate so that his services could be regularized. The workman could not prove that he was a Matriculate and, therefore, did not hold the qualification prescribed in rules for appointment

as Work Munshi.

3. The Presiding Officer, Labour Court, Patiala in its award dated January 28, 1992 has returned a finding of fact that the workman abandoned his service never to return again nor to produce his Matriculation certificate to prove that he was qualified for the post and to save himself from losing his job. The post is not in private sector and is governed by rules.

4. I find no ground to interfere with the award of the Labour Court as it does not suffer from any fundamental error of law or fact or an error of reasoning. There is no error apparent on the face of record and no interference is warranted in exercise of supervisory jurisdiction provided by Article 226 of the Constitution of India while reviewing the work of Tribunals where the exercise of jurisdiction is restricted to the principles enunciated in **Syed Yakoob v. K.S. Radhakrishnan**; AIR 1964 SC 477 and **Surya Dev Rai v. Ram Chander Rai**, (2003) 6 SCC 675.

5. Accordingly, the petition stands dismissed. In any case, it is too late in the day to consider a plea of reinstatement, back wages and continuity of service after 23 years.

(RAJIV NARAIN RAINA)
JUDGE

01.12.2015
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