

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.18225 of 2010

Date of Decision: July 29, 2015

Om Parkash

...Petitioner

Versus

M/s Carrier Aircon Ltd. Kharki, Daula Post, Gurgaon & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers 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: Mr.G.S.Bal, Senior Advocate with
Mr.Sewa Singh, Advocate,
for the petitioner.

Mr.Adarsh Jain, Advocate,
for respondent No.1.

AMIT RAWAL, J. (Oral)

The challenge in the present writ petition is to the award dated 24.8.2009 (Annexure P-12), whereby the reference qua alleged termination has been answered against of the petitioner.

Mr.G.S.Bal, learned Senior Counsel assisted by Mr.Sewa Singh appearing on behalf of the petitioner submits that the petitioner was appointed as an Apprentice Trainee by the Management vide letter dated 27.7.1994 and after successful training, he was appointed as Electrician and in this regard he was issued appointment letter dated 28.7.1997. His services were illegally terminated on 22.8.2001. Since the Management asked him to produce the original certificate and documents, he did not produce the

same. As per the case set up by the Management, on the asking of the documents, the workman left the job and did not produce the documents and, thus, it was a case of abandonment. Numerous letters were written, but they were not acceded to and, therefore, the case falls under the exception to Section 2(oo) of the Industrial Disputes Act, 1947.

I have heard the learned counsel for the parties and appraised the paper book.

The Labour Court, on the basis of the evidence brought on record, found that the workman had admitted that he filled up document Ex.R2, wherein he mentioned his technical education as I.T.I. in the trade of electrician, however, on perusal of the documents, it has been found that Ex.R9 was issued by the Board of School Education, Haryana and the vocation mentioned was 'Domestic Electrical Appliances Repair and Maintenance', which is not equivalent to diploma of Electrician from I.T.I. Even the workman admitted the receipt of the letters Ex.R3, Ex.R4 and Ex.R6 from the Management. Even in response to the show cause notice issued by the Management vide Ex.R5, he had sought the experience certificate, which shows that the workman never wanted to work with the Management. No fault can be found with the findings rendered by the Labour Court.

There is no merit in the writ petition. Accordingly, the same is dismissed.

July 29, 2015
ramesh

(AMIT RAWAL)
JUDGE