

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

Civil Writ Petition No.17042 of 2011
Date of Decision: April 27, 2015

Sanjay Kumar

...Petitioner

Versus

The Presiding Officer, Labour Court-II, Faridabad & 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.Deepak Sonak, Advocate,
for the petitioner.

Mr.A.P.Bhandari, Advocate,
for respondent No.2.

AMIT RAWAL, J. (Oral)

The challenge in the present writ petition is to the award dated 9.4.2010 (Annexure P-2), whereby the reference qua alleged termination of the petitioner-workman has been decided against the petitioner.

Mr.Deepak Sonak, learned counsel appearing on behalf of the petitioner contends that the Labour Court has committed an illegality and perversity in declining the reference as the petitioner had not submitted his resignation and the onus was on the Management to prove that the

signatures on the resignation letter and as well as on the back of the cheque in lieu of the resignation, were of some body else.

Mr.A.P.Bhandari, learned counsel appearing on behalf of respondent No.2-Management contends that the onus was on the workman to prove by leading evidence in affirmative that his signatures were forged and fictitious on the alleged resignation letter and as well as on the back of the cheque, which has been proved by the Management by leading direct and cogent evidence.

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

The Labour Court, on the basis of the evidence, found that the workman had submitted his resignation and also received the compensation of ₹5,000/-. The Management, in order to prove the said fact, has summoned the record from the concerned bank to show that a sum of ₹5,000/- was withdrawn.

The contention of the learned counsel for the petitioner that the signatures on the back of the cheque and as well as on the resignation letter were not that of the workman is devoid of merit as the onus was on the workman to prove by leading evidence in affirmative that he had not signed the resignation letter and as well as withdrawn the money from the bank by appending his signatures on the back of the cheque. Since the petitioner has failed to even lead any direct and cogent evidence, the finding returned by the Labour Court is justified and it does not warrant interference by this Court under Article 226 of the Constitution of India.

In view of what has been observed above, there is no merit in

the writ petition. The award of the Labour Court is upheld and the writ petition is dismissed.

April 27, 2015
ramesh

(AMIT RAWAL)
JUDGE