

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.17388 of 2011

Date of Decision: May 04, 2015

Kartar Singh

...Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Hissar & 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.Vikram Sheoran, Advocate,
for the petitioner.

Mr.Athar Ahmed, Advocate,
for respondent No.2.

AMIT RAWAL, J. (Oral)

The challenge in the present writ petition is to the award dated 13.6.2011, whereby the reference of the petitioner-workman has been declined by the Labour Court.

Mr.Vikram Sheoran, learned counsel appearing for the petitioner contends that the petitioner-workman was appointed by the respondent-Management in the month of January, 2002 for distribution of water charges bills on payment of ₹2475/- per month and he performed his duties sincerely and honestly upto 31.5.2005 and thereafter he was not allowed to work and, therefore, it amounts to termination, which is against

the provisions of Section 25-F of the Industrial Disputes Act, 1947 (for short “the Act”). He further contends that the award of the Labour Court in declining the reference is illegal and perverse as the Labour Court has failed to take into consideration the documentary evidence brought on record, which, *ex-facie*, leads to a conclusion that there was a violation of provisions of Section 25-F of the Act.

Learned State counsel appearing on behalf of the Management submits that the petitioner was appointed on quotation basis from time to time and, thus, his work was duly contractual and on account of efflux of time, his contract had come to an end, therefore, it was not termination but retrenchment as per the provisions of 2(oo)(bb) of the Act.

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

The Labour Court declined the reference on the premise that on the basis of the statement of witness of the Management, who was summoned by the workman, it has come on record that no attendance register was maintained because the work done by the workman was on sanctioned lowest quotation basis and, thus, he was not their employee and accordingly declined the reference by holding that there was no violation of the provisions of Section 25-F of the Act.

The finding rendered by the Labour Court is perfectly in accordance with the documentary evidence brought on record. Moreover, it has come on record that the workman was given a work of distribution of water bills on quotation basis. Once his contract was over, his services were no longer required and, therefore, it would amount to retrenchment as per

Section 2(oo)(bb) of the Act. No fault can be found with the findings rendered by the Labour Court.

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

May 04, 2015
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(AMIT RAWAL)
JUDGE