

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

Civil Writ Petition No.1078 of 2015

Date of decision: 22.1.2015

Executive Engineer, Provincial Division No.1, PWD, B&R Branch,
Gurgaon.

..... Petitioner

Versus

Lallu Ram and another.

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Manoj Dhankhar, AAG, Haryana
for the petitioners.

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

RAJIV NARAIN RAINA, J.(Oral)

There is neither error of jurisdiction nor a perverse finding of fact in the impugned award dated 7th October, 2014 passed by the Presiding Officer, Labour Court-II, Gurgaon. The respondent-workman has served the Department as a daily wager from 15th February, 2003 to 31st March, 2009 continuously as found by the Labour Court as a finding of fact and that upon the termination of the workman, the provisions of Section 25-F of the Industrial Disputes Act, 1947 were not complied with which were mandatory in nature.

While dismissing this petition filed by the State of Haryana, it is left open to the Government to recover the financial burden of the award from the officials of the Department who were responsible for payment of

retrenchment compensation and having failed to do so, they would be open to recoveries whether they are in service or in retirement. In case, they are in retirement and in case, an enquiry is instituted by the Government, suitable cuts can be made from pension under the head of this order and not under the rules.

Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

January 22, 2015
Paritosh Kumar