

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM No.14079 of 2014 &
C.W.P.No.17207 of 2012
Date of Decision: March 13, 2015

Sat Pal Singh

...Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court & 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.Rajiv Dhawan, Advocate,
for Mr.Jasmeet Singh Bedi, Advocate,
for the petitioner.

Mr.D.K.Bhatti, Advocate,
for respondent No.2.

AMIT RAWAL, J. (Oral)

CM No.14079 of 2014

Written statement on behalf of respondent No.2 along with annexures is taken on record. Exemption is also granted to file certified copies of the annexures.

CM stands disposed of.

CWP No.17207 of 2012

The petitioner has approached this Court for setting-aside of the award dated 30.4.2012 (Annexure P-1), whereby the reference under Section 10(1)(c) of the Industrial Disputes Act, 1947 has been declined on

two grounds, firstly, the Department of Haryana Police Housing Corporation is not an industry and secondly, the Management was not enjoined upon an obligation to hold enquiry in view of the fact that the workman had confessed his guilt in FIR No.71 dated 2.5.2005, under Section 379 IPC, Police Station, Madhuban.

Learned counsel appearing for the petitioner-workman has referred to the judgment dated 14.2.2006 (Annexure P-4) to contend that the aforementioned FIR was registered against Rajender son of Raju and not against petitioner Sat Pal Singh and the confession was made by Rajender Singh and not by petitioner Sat Pal Singh and, therefore, the award of the Labour Court is erroneous and based on the misreading of the documentary evidence.

As regards the contention that the Haryana Police Housing Corporation is not an industry, learned counsel for the petitioner, in support of his contention, relied upon the judgment rendered in **Punjab Police Housing Corporation Limited versus Suresh Kumar and another, 2012 (3) SCT 162** to contend that it has already been held that the Police Housing Corporation is an industry.

Since the award of the Labour Court is against the fact and as well as the law, this Court deem it appropriate to set-aside the award dated 30.4.2012 (Annexure P-1) and remit the matter back to the Labour Court to decide the controversy between the parties to the lis afresh within a period of four months from the date of receipt of certified copy of this order.

The parties will be given opportunity to lead evidence and the Labour Court shall decide the case in accordance with law keeping in view

the ratio decidendi culled out in **Suresh Kumar's case (supra)** and as well as the factual aspect.

With the above observations, the present writ petition is disposed of.

March 13, 2015
ramesh

(AMIT RAWAL)
JUDGE