

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 11198 of 2015
Date of decision : May 28, 2015

Ved Parkash

..... Petitioner

Versus

**Secretary Sewak Sabha Charitable Trust Hospital, Sirsa Road ,
Hisar and another**

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Divay Sarup, Advocate
for the petitioner.

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?

Amit Rawal, J (oral).

The challenge in the writ petition is to the award dated 3.11.2014 whereby the petitioner had raised the dispute with regard to his alleged date of retirement at the age of 55 years instead of 58 years.

Learned counsel for the petitioner submits that the petitioner was appointed as a Compounder on 18.10.1994 and erroneously retired on 31.3.2011 at the age of 55 years whereas he ought to have been superannuated at the age of 58 years. He further submits that the impugned award of the Labour court is thus, erroneous, much less perverse.

I have heard learned counsel for the petitioner and

appraised the paper book.

The Labour Court after examining the evidence found that the petitioner has admitted his mistake and assured that he would remain careful in future. The finding of the Labour Court reads thus:-

“ In case of Clerks/Chowkidars the Managing Committee is empowered to give them extension upto 60 to 65 years.

A plain reading of above said resolution shows that an employee is to retire on completion of the age of 55 years in case of Compounder, Nurse, Dai, Safai Karmchhari. However, an employee can be retained maximum for a period of further three years if the Medical Superintendent thinks that the act and behaviour of an employee is good towards the hospital and the patients. Ex. M8 is the copy of letter dated 1.10.1994 written by the Administrator of respondent hospital to the petitioner seeking his explanation for negligence in performing his duty and regarding leakage of water tank. Ex.M9 is the copy of reply given by the petitioner wherein he has admitted his mistake and assured that he would remain careful in future Ex.M10 is the photocopy of letter dated 1.2.1996 written by the petitioner to Administrator of hospital whereby he has admitted his mistake and assured that he would remain careful in future. Ex. M12 is the copy of complaint made by Anamika i.e. Patient to the Administrator regarding the conduct of petitioner upon which his explanation was called by the administrator vide letter Ex. M11.”

Once the petitioner had admitted the factum that there are no rules framed for retaining the employee beyond 55 years

of age, therefore the Labour Court ought to have addressed the aforementioned issue. There is categoric admission of the petitioner that he has admitted his mistake and assured that he would remain careful in future and the Management in its wisdom did not think it appropriate to retain the services of the petitioner beyond the age of 55 years and accordingly retired on 31.3.2011.

In view of the categoric admission of the workman, no cause of action accrued to challenge the alleged retirement. The award of the Labour Court is based on appreciation of evidence both oral and documentary.

There is no merit in the writ petition. The same is dismissed.

(AMIT RAWAL)
JUDGE

May 28 , 2015
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