

CWP No.12455 of 2014 and 2 connected petitions.

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

I.

Civil Writ Petition No.12455 of 2014

Date of decision: 17.11.2015

Rati Bai

... Petitioner

Versus

Superintendent Engineer and others

... Respondents

II.

Civil Writ Petition No.4291 of 2014

Biren

... Petitioner

Versus

Superintendent Engineer and others

... Respondents

III.

Civil Writ Petition No.5325 of 2014

Jarnail Singh

... Petitioner

Versus

Superintendent Engineer and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Y.P.Malik, Advocate,
for the petitioner.

Mr.Gaurav Goel, Assistant Advocate General, Haryana.

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

RAJIV NARAIN RAINA, J. (Oral)

This order will dispose of the aforesaid three writ petitions as common questions of law and fact are involved in all the three cases. The facts are taken from CWP No.12455 of 2014 for convenience.

2. There is a confusion as to the identity of Ramwati @ Rati Bai and whether her husband is Biren or Bhawani Deen. Bhawani Deen is quite possibly the father-in-law of the worker. In the connected writ petition No.4291 of 2014 which has been filed by Biren, the husband of the petitioner in the present writ petition, he is shown as the son of Bhiwani Deen.

3. The Labour Court has limited the discussion in the impugned award to the identity of Rati Bai alias Ramwati and non-suited her on failure to prove that she was working with the management, her identity being in doubt.

4. Mr.Malik has placed reliance on the attendance registers of which copies have been placed at P-1 to P-4 which show Rati Bai at Serial No.11 attending work for the months of August, 1999, February, 2001, November, 2002 and March, 2003 respectively by way of samples. When the Labour Court declined the relief on failure to establish the identity of the worker, it did not go into any other question on the merits of the dispute. It is not known whether Bhiwani Deen is dead or alive. In order to bring about clarity on facts, this Court is of the considered view that the present and the

connected writ petitions deserve to be remanded to the Presiding Officer, Industrial Tribunal-cum-Labour Court, Chandigarh to re-examine the facts as are available on record and to consider permitting the parties to bring on record other materials which may help in establishing the truth as to the identity of Rati Bai @ Ramwati wife of whom?

5. Accordingly, this petition and the two connected writ petitions are partially allowed and the impugned awards are set aside. The cases are ordered to be remanded to the Presiding Officer, Industrial Tribunal-cum-Labour Court, Chandigarh for passing a fresh award.

6. Since the matter is an old one, the Court will endeavour to conclude the remand proceedings within six months from the date of receipt of a certified copy of this order when placed on the judicial file.

7. In the connected writ petitions i.e. CWP No.4291 and 5325 of 2014, the Labour Court would re-examine the employer-employee relationship and return proper findings on facts in a fresh award on the basis of evidence available on record and other evidence as may be let in by the parties in case they wish to lead further evidence to substantiate their respective cases.

8. Parties to appear before the labour court on December 15, 2015.

(RAJIV NARAIN RAINA)
JUDGE

November 17, 2015

Paritosh Kumar