

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.11841 of 2015

Date of Decision: 21.09.2015

Sri Guru Ram Dass Hospital, Amritsar

... Petitioner

Versus

Presiding Officer, Industrial
Tribunal, Amritsar and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Raj Karan Singh Verka, Advocate,
for the petitioner.

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

RAJIV NARAIN RAINA, J.

This Court by an interim order dated May 29, 2015 adjourned the matter at the request of learned counsel for the petitioner-Hospital to show rules that the respondent workman was not entitled to benefit of leave encashment. The rules have not been produced and further adjournment is sought for.

It is the submission of the learned counsel that despite best efforts the Hospital has not been able to supply him copy of the rules to satisfy the Court query.

In the application filed under section 33-C(2) of the Industrial Disputes Act, 1947 by the workman prays for computation of money due under different heads of claims including money representing leave encashment for 270 days. The Presiding Officer, Industrial Tribunal,

Amritsar has allowed the application and computed the money due in favour of the workman. The petitioner is a Government Hospital at Amritsar and on the query by Court whether the Punjab Civil Service Rules, 1970 Volume-1 applied to the Government Hospital which he submits that they did not as the Hospital has its own rules. Since those rules have not been produced despite time taken it will be assumed that leave encashment was admissible to the workman and, therefore, I find no ground to interfere with the order passed by the Presiding Officer, Industrial Tribunal, Amritsar and would dismiss the petition.

I find no legal infirmity in the order passed by the labour Tribunal nor any error apparent on the face of the record and therefore no interference is called for in writ proceedings.

As a result, the petition has no merit and the same stands dismissed.

(RAJIV NARAIN RAINA)
JUDGE

21.09.2015
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