

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.12086 of 2015
Date of Decision: August 03, 2015

District Programme Officer, Woman and Child Development, Rohtak

...Petitioner

Versus

Smt.Kamla & 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.Hitesh Pandit, Addl.A.G.Haryana,
for the petitioner.

AMIT RAWAL, J. (Oral)

The challenge in the present writ petition is to the award dated 16.10.2014 (Annexure P-1) passed by the Labour Court, whereby the reference has been answered in favour of the workman and she has been held entitled to reinstatement into service along with continuity of service and 50% back wages.

Mr.Hitesh Pandit, learned Additional Advocate General, Haryana appearing on behalf of the petitioner-State submits that the Labour Court has committed an illegality and perversity in answering the reference in favour of the workman as the workman had not completed 240 days in a relevant calendar year. He further submits that no other persons have been employed by the Management and, therefore, the Labour Court has erred in holding that there was violation of provisions of Section 25-F of the

Industrial Disputes Act, 1947. He has also submitted that the workman was not performing her duties diligently and in this regard, various notice were also sent.

I have heard the learned counsel for the parties and appraised the paper book.

This Court cannot remain oblivious of the fact that the workman was appointed as Sweeper on 20.1.1996 and on account of termination of her services on 21.3.1998, the reference was raised which was answered in favour of the workman on 5.8.2003. It is on the second occasion that the services of the workman have been terminated on 19.1.2007. Such an action, in my view, amounts to unfair labour practice. In case it was found that the workman was not working diligently, the Management ought to have issued show cause notice, much less, charge sheet, if any. It is not disputed that another Sweeper in place of the petitioner has been employed and, thus, there is violation of provisions of Section 25-H of the Industrial Disputes Act, 1947. No evidence has been brought on record to support the submission that the workman had not completed 240 days in a relevant calendar year. The findings rendered by the Labour Court are perfect, legal and justified. There is no error, much less, any perversity in the award.

There is no merit in the writ petition. Resultantly, the same is dismissed.

August 03, 2015
ramesh

(AMIT RAWAL)
JUDGE