

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 15920 of 2015
Date of decision: August 5 , 2015

Jaswant Singh

..... Petitioner

Versus

Presiding Officer, Industrial Tribunal, Bathinda and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. O. P. Gabba , 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 present writ petition is to the award dated 17.4.2014 (Annexure P-1) whereby the reference raised by the petitioner after lapse of 18 years has been answered against him on two counts. One on account of delay and another is that a criminal complaint against him was made prior to the date of termination.

Learned counsel for the petitioner submits that the Labour Court has committed illegality and perversity in passing the aforementioned award. There has been travesty of justice in passing the aforementioned award as provisions of Article 137 of the Limitation Act, 1963 does not apply to proceedings under Industrial Disputes Act, 1947, at the best the petitioner could have been denied

the back wages. He further submits that the Labour Court had given a finding that FIR No. 242 of 1990 has been registered against the petitioner but the fact is that it is not registered and copy of the same has been attached.

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

No doubt that provisions of Article 137 of the Limitation Act, 1963 do not apply but the fact remains that there has been no explanation, or reference in the demand notice, much less in claim petition for delay of 18 years. On going through the claim petition, it is found that there is not even a single whisper, much less averment regarding the same.

The workman has raised the demand belatedly and even there is no averment that he was not gainfully employed during the period he remained out of service, therefore, the submission of the learned counsel for the petitioner that he could be denied back wages is not sustainable. Otherwise, such relief could not have been granted in view of the ratio decidendi culled out in **Deepali Gundu Surwase Vs. Kranti Junior Adhyapak Mahavidyalaya and others (2013) 10 SCC 324 .**

Copy of the FIR has been annexed for the first time as Annexure P-5. The Labour Court has formed an opinion since the workman disputed the averments of the Management that the FIR was not registered against him, but same was not produced which lead to an adverse inference.

The award passed by the Labour Court is fair, legal

and justified. There is no illegality and perversity in the same.

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

(AMIT RAWAL)
JUDGE

August 5 , 2015
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