

**221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT THE CHANDIGARH**

**CWP No.22565 of 2012
Date of decision: 12.03.2015**

Kuldeep Singh

..... Petitioner

versus

**Presiding Officer Industrial Tribunal, Bathinda and others
..... Respondents**

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Ashish Grover, Advocate
for the petitioner.

Mr. Harkesh Manuja, Addl.AG,Punjab

Rakesh Kumar Jain, J.(Oral)

This petition is filed against the order dated 3.08.2012 (Annexure P-4) passed by the Industrial Tribunal, Bathinda, dismissing the reference made by the petitioner against the order of termination of his services.

Counsel for the petitioner has submitted that he was appointed as peon on 31.03.1995 on permanent basis and his service was terminated on 14.08.1997. The said order was challenged by the petitioner by way of CWP No. 12766 of 1997, allowed by this Court on 20.10.1997, on the ground that the order of termination was against the principle of natural justice as no opportunity of hearing was provided to the said petitioner.

Accordingly, the order dated 14.08.1997 was set aside and liberty was given to respondent No. 3 to pass a fresh

order after hearing the petitioner.

In terms of order passed by this Court, respondent No. 4 passed the impugned order dated 19.12.1997, terminating the services of the petitioner after issuing show cause notice to the petitioner which was challenged by the petitioner before the Labour Court, Bathinda.

In the claim petition, it was urged that the service of the petitioner was terminated without any chargesheet, inquiry or payment of compensation but the Tribunal dismissed the reference on the ground that the writ petition filed by the petitioner against the order dated 14.8.1997 was allowed only on the ground that he was not afforded the opportunity of hearing, but it was also held that his appointment was violative of the Punjab Civil Services Rules and the Employment Exchange Compulsory Notification of Vacancies Act, 1959.

Counsel for the petitioner has submitted that this finding has been adopted by the Tribunal from the order passed by this Court without discussing any evidence led by the petitioner, therefore, order passed by the Tribunal is totally non speaking.

Counsel for the respondents has tried to justify the order of the Tribunal but after hearing learned counsel for the parties, I am of the considered opinion that the impugned order is totally non speaking as it does not talk of any evidence

having been dealt with by the Tribunal. Therefore, the present writ petition is hereby allowed. The impugned order dated 3.08.2012 (Annexure P-4) passed by the Industrial Tribunal, Bathinda is set aside and the matter is remanded back to the Tribunal to decide it afresh by giving cogent reasons in the order.

Parties are directed to appear before the Tribunal, Bathinda on 20.04.2015.

12th March, 2015

Shivani Kaushik

**[RAKESH KUMAR JAIN]
JUDGE**