

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

Civil Writ Petition No.1762 of 2015
Date of Decision: July 06, 2015

Jagat Singh

...Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak &
others

...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.Jitender Singh Kundu, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

The challenge in the present writ petition is to the award dated 12.11.2014 (Annexure P-5), whereby the reference of the petitioner qua his alleged termination has been rejected.

Mr.Jitender Singh Kundu, learned counsel appearing on behalf of the petitioner submits that the services of the petitioner, who was appointed as Data Entry Operator on contract basis, have been terminated without following the provisions of Section 25-F of the Industrial Disputes Act, 1947 and, therefore, the Labour Court has committed an illegality and perversity in rejecting the claim of the petitioner.

The petitioner apprehending threat of termination of his services, had approached this Court at an earlier point of time by filing a writ petition and while disposing of the writ petition, this Court, as noticed in the award, held that his services would not be terminated and allowed to continue in service till such time persons selected on regular basis join the duties. The said order is binding upon the workman. The Management-respondent initiated process of filling up the post of Data Entry Operator through regular process and on appointment of the regular Data Entry Operator, the petitioner was issued a show cause notice before passing the termination order. The petitioner stated to have replied the same and accordingly the termination order dated 10.1.2011 (Annexure P-1) has been passed. Thereafter, the petitioner filed the claim petition before the Labour Court by invoking the provisions of Section 2(a) of the Act.

Learned counsel for the petitioner has cited the judgment rendered in **Natha Singh Versus Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurdaspur and others, 2014 LAB. I.C.3463** to contend that where the workman's employment was on contract basis, he was required to be served with a show cause notice before terminating his services. Though in the aforementioned matter, the workman was not given a show cause notice, but, however, in the present case, the petitioner was served with a show cause notice though of 24 hours.

The Labour Court found that the Management had complied with the directions of this Court by issuing show cause notice and the regular process was initiated/completed. The award passed by the Labour Court is fair and legal and no interference is called for.

Accordingly, the writ petition is dismissed.

July 06, 2015
ramesh

(AMIT RAWAL)
JUDGE