

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

CWP No.2098 of 2013  
Date of decision : 30.07.2015

Rakesh Kumar

...Petitioner

Versus

State of Punjab and ors.

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Jagjot Singh Lalli, Advocate for the petitioner.

Mr. V. Ramswaroop, Addl. A.G. Punjab.

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**AMIT RAWAL, J. (Oral)**

Challenge in the present writ petition is to the award dated 06.09.2012 (Annexure P-10), whereby reference filed by the petitioner after a lapse of 13 years from the date of alleged termination has been declined, on the ground that workman has not worked for 240 days.

Mr. Jagjot Singh Lalli, learned counsel for the petitioner submits that the petitioner had moved an application for production of documents i.e. the muster roll for the period he worked but the Department produced muster roll for the period suitable to them and withheld other

muster roll to belie the claim of the petitioner, much less, prove their case that he had not worked for that period and, therefore, the Labour Court ought to have allowed the reference and the petitioner is liable to be reinstated with backwages.

Mr. V. Ramswaroop, Addl. A.G. Punjab submits that though provision of Article 137 of the Limitation Act would not apply but the fact remains that there is no explanation, much less, reasonable in raising demand notice after lapse of 13 years except the bald statement that owing to the poverty, the petitioner could not seek vindication of his grievance, thus prays award is perfectly based on appreciation of oral & documentary evidence. There is no illegality, thus, same may be upheld.

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

The arguments of the State at the first instance though look very attractive but the fact remains that Labour Court has decided the issue of limitation partly in favour of workmen and partly in favour of Management.

I refrain myself from deciding point of limitation as Labour Court has partly decide such issue in favour of the workman. Admittedly, the petitioner was appointed on the daily wages and in cross-examination there is admission that he was entitled for wages for the period, he worked, thus, in essence the Management has produced the record of muster roll of the period suitable to them. However, there is little force in the arguments of Mr. Jagjot Singh Lalli, learned counsel for the petitioner that nothing prevented the Management in producing the muster roll for the other period

which according to them petitioner had not worked in order to belie the claim of the petitioner. In the absence of record having been produced by the State, adverse inference is liable to be drawn.

Since, workman had worked for daily wages and raised the demand notice almost 13 years from the date of termination, I deem it appropriate only to grant some amount of compensation to defray the expenses incurred for claiming the relief.

Accordingly, the award of the Labour Court is modified and I deem it appropriate to grant compensation of ₹50,000/- to the petitioner. The said amount of compensation has to be paid to the petitioner within a period of three months from the date of receipt of certified copy of this order, failing which it shall entail interest of 12% p.a.

Writ petition stands disposed of.

**30.07.2015**

*pawan*

**(AMIT RAWAL)  
JUDGE**