

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 2028 of 2015(O&M)

Date of Decision: 09.2.2015

Dev Raj

--Petitioner

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sarbjit Singh Khaira, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Challenge in the instant petition is to the award dated 7.11.2013 (Annexure P-5), passed by the Industrial Tribunal, Gurdaspur, whereby the reference has been answered against the petitioner-workman and he has not been held entitled to any relief.

Learned counsel appearing for the petitioner would contend that the workman was initially issued appointment letter on the post of Artificer on 23.8.1996 but subsequently an amendment was carried out reflecting the appointment of workman as Carpenter on 26.9.1996. Notice dated 2.7.1997 had been issued as regards termination of services of the workman on expiry of one month period. Civil suit was filed but during the pendency of the same the notice was withdrawn and the petitioner was taken back in service w.e.f. 2.4.1998. Counsel submits that thereafter without even complying with the provisions of Section 25-F of the Industrial Disputes Act, services of the workman were terminated w.e.f. 18.5.1998. Under such circumstances, counsel contends that the petitioner was entitled to reinstatement in service. It has also been argued that the Labour Court has declined the reference only on the basis that the petitioner had produced a fictitious stay order having been passed by the Hon'ble Supreme Court and

while doing so has not dealt with the stand raised by the workman that he was a victim of fraud having been played by the Advocate concerned namely Sh. Arun Madan. Counsel has argued that the workman had no role in the procurement of the fictitious order and as such he could not have been victimized.

Learned counsel for the petitioner has been heard at length.

It has gone uncontroverted that the workman had been appointed by the Superintending Engineer, U.B.D.C. Circle, Amritsar without following any selection procedure in the nature of interview, issuance of any advertisement or upon names having been sponsored from the Employment Exchange. It also stands conceded that the services of the workman having been dispensed with in the year 1997 he was taken back in service w.e.f. 2.4.1998 on the strength of a stay order purportedly having been granted by the Hon'ble Supreme Court. It is only upon such order having been found to be forged and fictitious that the services of the petitioner were terminated. Counsel appearing for the petitioner-workman concedes that there was no interim order passed in favour of the workman and the order on the strength of which he had gained entry back into service was indeed a forged document.

On a specific query having been put by the Court, counsel has also conceded that the workman was even associated in an inquiry having been conducted as regards such forged stay order.

Under such circumstances, no indulgence can be shown towards the petitioner-workman. His conduct would require strong deprecation.

No interference in the matter is called for.

Writ petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

February 09, 2015
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