

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

**CWP No. 21518 of 2014 (O&M)**

**Date of decision : July 2, 2015**

**The Panipat Co-operative Sugar Mills Ltd.**

**..... Petitioner**

**Versus**

**Sumer Singh and another**

**..... Respondents**

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

Present:- Mr. Vinod S Bhardwaj, Advocate  
for the petitioner.

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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).**

Learned counsel for the petitioner submits that the Labour Court has no jurisdiction to invoke the provisions of Section 11-A of the Industrial Disputes Act, 1947 inasmuch as the Management dispensed with the services of the workman on account of absence, in essence the workman remained absent without obtaining leave.

It has come on record that the Management failed to prove that the workman was a habitual absentee. It was only absence for one day for which the workman has to face dismissal from service.

In these circumstances, the Labour Court rightly exercised the jurisdiction under Section 11-A of the Act by holding

that the punishment awarded to the workman was harsh, much less punitive and the Labour Court directed/substituted the same by imposition of punishment of stoppage of two increments for last two years prior to the date of his retirement be imposed.

Such a finding, in my opinion is not only correct but perfect in view of the provisions of Section 11-A of the Act as well as the ratio decidendi culled out in various judgments particularly in **Ved Pakash Gupta Vs. Delton Cable India (P) Ltd., 8.3.1984** as referred to by the Labour Court in paragraph 23 of the award.

There is no illegality and perversity in the award of the Labour Court.

There is no merit in the writ petition. Accordingly the award of the Labour Court is upheld and the writ petition is dismissed.

**(AMIT RAWAL)**  
**JUDGE**

**July 2, 2015**  
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