

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 4676 of 2012

Date of decision: July 2 , 2015

Executive Engineer, H.S.A.M.B.Panipat

..... Petitioner

Versus

Som Pal and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Rishi Lal, Advocate for
Mr. Partap Singh, Advocate
for the petitioner.

Mr. S. S. Kharb, Advocate
for the respondents.

Amit Rawal, J (oral).

The Management has challenged the award of the Labour Court whereby the compensation of ₹25,000/- has been awarded to the workman qua his alleged termination. The workman was appointed on 14.11.2002 as driver and his services were terminated on 7.12.2003 and thereafter on 8.9.2004 a demand notice was served. The Labour Court on the basis of the evidence found that the Management did not resort to the provisions of Section 25-F of the Industrial Disputes Act while terminating the services of the workman.

The Labour Court awarded a compensation of ₹25,000/- by holding that the workman had completed 240 days in a relevant year. The plea of the Management that there was no relationship of employer and employee and no such evidence in this

regard has been placed on record. Rather the authorized representative for the workman MW-1 during the course of cross examination admitted that truck bearing registration No. HR-03-9859 belonged to the department and name of the workman had been entered in the log book.

With the piece of, aforementioned evidence, the Labour Court came to the conclusion that there is relationship of employer and employee and accordingly keeping in view the period of service rendered by the workman, awarded a compensation of ₹25,000/- is fair, legal and justified. No interference is warranted, much less there is no fault/illegality in the award of the Labour Court. Resultantly, the writ petition is dismissed.

(AMIT RAWAL)
JUDGE

July 2, 2015
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