

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 22930 of 2014
Date of decision : March 11, 2015

**Child Development Project Officer, Mustfabad, District Yamuna
Nagar**

..... Petitioner

Versus

Smt. Satinder Kumari and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ravi Partap Singh, AAG.,Haryana
for the petitioner.

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).

The Management has approached this Court challenging the award dated 24.3.2014 Annexure P-1 whereby the termination of services of respondent No.1 has been held to be illegal and ordered reinstatement of workman with 50% backwages.

Mr. Ravi Partap Singh, AAG.,Haryana for the State submits that the Labour Court has erroneously ignored the fact that respondent No.1 had violated the formal instructions by joining the family members in Sakshar Mahila Samooh and absented herself from Anganwari School without permission w.e.f. 18.5.2007 and even on 13.4.2007 and in that regard the workman had also given the apology.

He further submits that the Labour Court has not noticed the aforementioned affidavit of Surji Devi produced by respondent No.1 was false and fabricated as Surji Devi in the alleged enquiry suffered a statement that she did not execute any affidavit.

I have heard learned counsel for the petitioner and am of the view that there is no merit in the aforementioned writ petition and the writ petition is liable to be dismissed as the Labour Court has categorically found that in case the workman had abandoned the job it was incumbent upon the Management to serve charge sheet and hold an enquiry. The Government pleader during the proceedings before the Labour Court candidly admitted that no regular enquiry was initiated against the workman nor any charge sheet was issued, though, it has been proved on record that the workman had worked with the respondent for more than 15 years and her termination had been found to be in violation of Section 25-F of the Industrial Disputes Act, 1947.

The finding rendered by the Labour Court in ordering reinstatement of the workman back do not suffer from illegality and perversity and has been found in consonance with the settled proposition of law.

In view of what has been observed above, the present writ petition is accordingly dismissed.

(AMIT RAWAL)
JUDGE

March 11, 2015
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