

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

**Civil Writ Petition No.26317 of 2014**

**Date of decision: 8.1.2015**

Raja Ram

**..... Petitioner**

**Versus**

The Presiding Officer and others

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

**Present:** Mr.N.S.Swaich, Advocate,  
for the petitioner.

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1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

**RAJIV NARAIN RAINA, J.**

The question before the Presiding Officer, Industrial Tribunal, Ludhiana in reference No.60 of 2009 was whether the services of the petitioner were terminated on 12<sup>th</sup> August, 2005 or did he resign from service voluntarily by tendering resignation in writing on 12<sup>th</sup> August, 2005. The letter of resignation was exhibited on the file as M/5. The management pleaded that the resignation was voluntarily tendered and it was accepted on the same day.

The plea of the workman before the Labour Court was that the signatures were obtained by the Management forcibly and the document was obtained under coercion. The stand clearly suggests that the signatures were his, but the document was disowned. It was disputed as suffering in its making against his free will. The Labour Court vide the impugned award

has dismissed the reference on 14<sup>th</sup> May, 2013 finding no merit in it on adjudication. After appreciating the evidence on record, the Labour Court has not believed the story of the workman. The Court *a quo* has reasoned that the workman did not act properly nor filed a complaint before the authorities under the Industrial Disputes Act, 1947 or in any other quarter complaining that his signatures were obtained on the resignation letter by force, coercion and under duress. The workman stated that he had moved such an application before the Labour Officer but produced no evidence to support the assertion.

I asked the learned counsel for the petitioner to take the court to the demand notice served under section 2-A of the Industrial Disputes Act to know whether it was pleaded therein that the resignation was obtained by coercion. He has drawn my attention to the demand notice dated 20<sup>th</sup> December, 2007 at P-2 from where I find no such story told. The demand notice neither spoke of signatures being taken on blank papers or of his alleged resignation obtained under duress. The pleadings in the alleged complaint submitted before the Labour Inspector, Ludhiana [P-1] dated 9<sup>th</sup> January, 2006 also do not reflect of any resignation tendered by the petitioner or that it was tendered under compulsion, threat, or coercion and against his free will and consent. The complaint dated 9<sup>th</sup> January, 2006 though cannot be looked into being undocumented but still I have looked into it and find little there to support a story made for the first time in the witness box after the defence of the Management stood disclosed that on 12<sup>th</sup> August, 2005, the workman gave in writing that his domestic condition would not permit him to stay on the job and he wanted to go home. It was,

in these circumstances, that his request was accepted and he was asked to collect his dues.

In the circumstances, the Labour Court committed no error in rejecting the reference. No ground for interference is made out. The petition stands dismissed.

**(RAJIV NARAIN RAINA)**  
**JUDGE**

**January 8, 2015**  
Paritosh Kumar