

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no. 3155 of 2013(O&M)

Date of Decision : 30.01.2015

Yadwinder Singh

....Petitioner

Versus

The Presiding Officer, Industrial Tribunal Bathinda and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1)Whether reporters of local newspapers 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?

Present : Mr. Ashish Grover, Advocate for the petitioner

Mr. A.D.S.Sukhija, Advocate for the respondents

MAHESH GROVER, J.

The petitioner impugns the award dated 2.2.2012. A perusal thereof would reveal that the Labour court has framed an issue with respect to the termination of the services of the petitioner and placed burden on the respondents whereas it actually should have been on the workman. Neither respondent – corporation nor the petitioner-workman led any evidence in the given set of circumstances. Thus, the core issue of the petitioner being a workman entitled to the benefits of the Industrial Disputes Act remained unanswered.

Considering the aforesaid facts when there was a gross fallacy in the approach adopted by the Tribunal, I am of the considered view that the matter needs to be re-determined. Hence, impugned award is set aside and the matter is remanded back to the Labour Court for decision afresh by correcting the error as noticed above.

Since the matter has been reopened, both the parties are at liberty to adduce the evidence as per the opportunities given by the Tribunal.

Disposed of.

January 30, 2015
rekha

(MAHESH GROVER)
JUDGE