

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 8791 of 2012

Date of Decision: 18.02.2015

Narinder Singh

... Petitioner

Versus

Presiding Officer, Labour Court, Bathinda & ors.

... Respondents

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

Present: Ms. Ishrat Kaur Pannu, Advocate, and
Mr. Jagdev Singh, Advocate,
for the petitioner.

Mr. BR Bansal, Advocate,
for respondents No.2 and 3.

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

RAJIV NARAIN RAINA, J.(Oral)

When receipt and knowledge of Exbs. M-1 to M-6 stand admitted in the cross-examination of the workman, then on reading the contents of those documents, it cannot be said of the view taken by the Labour Court that the petitioner has abandoned his service, was incorrect. As a consequence of Exbs. M-1 to M-6, it is not discernable from a reading of the cross-examination as to whether the workman took any steps to respond to those writings from the desk of the management which called upon him to answer their contents and explain his position and clear the period of his unexplained absence. There is no evidence on record supporting the plea of the workman that he did not intend to abandon his job. The Labour Court thus has rightly declined reference No.33 of 2001 and refused relief by making an award on 17th August, 2010 against the petitioner. I find no reason to interfere with it or to embark upon a journey

to fathom the possibility of forming a different opinion on the evidence on record or to re-appreciate it, which in any case, is not within the province of the writ court while examining an award of the labour court. The court *a quo* appears to have correctly appreciated the evidence on record, or the lack of it, and has returned appropriate findings in favour of the management and against the workman. As a consequence, I find hardly any merit in this petition and would dismiss the same, after hearing the learned counsel on their respective points of view.

18.02.2015
monika

(RAJIV NARAIN RAINA)
JUDGE