

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

Civil Writ Petition No.9452 of 2012

Date of Decision: May 04, 2015

**The Kot Guru Multipurpose Cooperative Agricultural Service Society Ltd.,
Kot Guru**

...Petitioner

Versus

Presiding Officer, Industrial Tribunal, Lok Adalat, Bathinda & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Mr.G.L.Bajaj, Advocate,
for the petitioner.

Mr.Arun Chandra, Advocate,
for respondent No.2.

AMIT RAWAL, J. (Oral)

The challenge in the present writ petition is to the award dated 10.6.2011 (Annexure P-6), which has been passed on the basis of statement suffered by the Management and the workman. On the basis of the said statement, the Labour Court ordered that the workman shall be reinstated into service. However, the back wages were declined. It is the said order which has been challenged by the Management by urging that no authority was given to Mr.S.K.Arora, alleged representative of the Management, neither Mr.Paramjeet Singh appeared on behalf of the Management.

This Court, while issuing notice of motion on 18.5.2012, also directed the Presiding Officer to make an enquiry into the matter. The order dated 18.5.2012 reads as under:-

“Present petition has been filed with a prayer for setting aside the agreed award passed by the Lok Adalat, Bathinda on the ground that the signatures of Paramjeet Singh, Vice President of the petitioner-Society are forged. Mr.Ashish Grover refers to the averments made in para 4 of the writ petition in which specific allegations have been made with respect to the signatures of Paramjeet Singh being forged. On the basis of the forged signatures the alleged settlement was arrived at, which is impugned. He further contends that the petition including para 4, is duly supported by an affidavit of Paramjeet Singh. Since the allegations of fraud have been levelled, in order to resolve the matter, I deem it appropriate to direct the Presiding Officer, Labour Court, Bathinda to make an enquiry into the matter and submit a report to this Court by the adjourned date.

Notice of motion returnable on 8.8.2012.

Notice

Re: stay.

In the meantime, operation of the impugned award dated 10.6.2011 (P/6) shall remain stayed till further orders subject to the provisions of Section 17-B of the Industrial Disputes Act, 1947.”

The Presiding Officer, Bathinda has submitted his report and as per the operative part of the report, it is borne out that Paramjeet Singh, who was the Vice President of the petitioner-Society, appeared before the Lok Adalat and made a statement, which was duly signed by him and as well as counter signed by Mr.S.K.Arora and, thus, found that the allegations of fraud raised by the Society were not established. For the sake of brevity,

relevant portion of the report is extracted herein below:-

“It appears that there is party-fiction in Society and after getting recorded his statement on 10.06.2011, Paramjit Singh preferred a writ petition. Here, it would be appropriate to mention that Paramjit Singh appeared in person along with Sh.S.K.Arora his authorized representative. Authority letter is also available on the file. He was also identified by Sh.S.K. Arora and the statement of Paramjit Singh also bears his (Sh.S.K.Arora) signatures. In fact, the statement of Sh.S.K. Arora clinches the entire controversy. He is not only an authorized representative of Paramjit Singh Vice President of Society but also a senior advocate, who categorically submitted that on 10.06.2011, Paramjit Singh, Vice President of Kot Guru Co-operative Agricultural Service Society authorized him to appear before this Tribunal/Labour Court and he accompanied by Paramjit Singh appeared before Lok Adalat, where statement of parties were recorded. Authority letter has also been seen by him, copy of which is Ex.AX. At the time of recording statement of Paramjit Singh Vice President of Society in Lok Adalat, he was present and he also appended his signatures as his authorized agent and also identified him and the statement, which is available in Reference No.01/2011 bears his signatures as well as that of Paramjit Singh Vice President of Society. Statement of Sh.S.K.Arora cannot be doubted and at the same time, there is no reason to discard or disbelieve the same. So, it is observed that Paramjit Singh Vice President of Society appeared before Lok Adalat and made his statement, which was duly signed by him as well as counter signed by his authorized representative Sh.S.K.Arora besides identifying him. Allegations of fraud raised by the Society are not established. Report is, accordingly submitted.”

In view of the report of the Enquiry Officer, the allegations

made in the petition are not substantiated. Moreover, it is a matter of record that vide Annexure P-9, the Management had made a complaint to the Senior Superintendent of Police, Bathinda for registration of a criminal case only against the workman and not against Paramjeet Singh nor some other person, who is alleged to have impersonated Paramjit Singh. It appears that despite suffering the statement, the Cooperative Society-Management is supporting its employees.

No fault can be found with the findings rendered by the Labour Court, particularly in view of the report submitted by the Enquiry Officer. Accordingly, the award of the Labour Court dated 10.6.2011 (Annexure P-6) is upheld.

The writ petition is accordingly dismissed.

May 04, 2015
ramesh

(AMIT RAWAL)
JUDGE