

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 5000 of 2013
Date of decision : August 7, 2015

Hira Devi

..... Petitioner

Versus

**Presiding Officer, Industrial Tribunal-cum-Labour Court-1,
Gurgaon and another**

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Pankaj Jain, Advocate
for the petitioner.

None for the respondents.

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 challenge in the present writ petition is to the award dated 13.5.2011 (Annexure P-4) whereby the reference raised by the petitioner qua her alleged termination has been answered against her.

Learned counsel for the petitioner submits that Labour Court has committed illegality and perversity in not noticing the pay slips of M/s Belle which was later changed to M/s V & S International Pvt. Ltd. mentioned at page 27 and 28 of the paper book. Had it be seen, it would have been found that the workman had rendered a service of 240 days.

Service is complete. There is no representation on behalf of the respondents.

I have heard learned counsel for the petitioner and appraised the paper book.

I have gone through the award of the Labour Court. It does not speak about reference to the pay slips. There is another aspect of the matter that pay slips indicate the same address only name of the Company has been changed whereas Management remains the same.

The Labour Court has not assigned any reason, much less not taken into consideration the pay slips. Had those pay slips been taken on record, perhaps the finding arrived at by the Labour Court would have been different.

In view of the aforementioned facts, I deem it appropriate to set aside the award and remand the matter back to the Labour Court to decide afresh preferably within a period of six months in accordance with law.

The writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

August 7 , 2015
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