

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

**CWP No.3936 of 2015 (O&M)
Date of decision: 09.03.2015**

M/s R.S.Cotsyn Limited

... Petitioner

Vs.

Presiding Officer and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Munish Kumar Garg, Advocate
for the petitioner.

AMIT RAWAL J. (ORAL)

This order shall dispose of thirteen writ petitions, i.e., 3936, 3937, 3938, 3939, 3940, 3941, 3942, 3943, 3944, 3945, 3946, 3947 and 3948 of 2015. Since the grievance of the petitioners in all the writ petitions is identical, the same are being decided by a single order. The facts are being taken from CWP No.3936 of 2015.

The present writ petitions have been filed at the instance of Management against the Award dated 22.04.2014 passed by the Labour Court, whereby, the reference has been decided in favour of the workman and the workman has been given compensation of ₹ 90,000/- to be paid in two months, failing which, an interest at the

rate of 8% per annum from the date of publication of Award till its realization under Section 25(F) of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has been ordered.

The workman had filed the claim petition before the Ld. Industrial Tribunal-cum-Labour Court on account of fact that he was engaged in the month of June 2001 and worked till the year 2011. However, as per document, Ex.W10, the workman has worked for the period from October 2003 to November 2011. The workman claimed ₹ 190/- per day, which was less than minimum wages as fixed by the State Government.

Learned counsel appearing on behalf of the Management contends that the workman had abandoned his job on his own, therefore, the Award of the Labour Court is erroneous, illegal, much less, capricious.

I have heard learned counsel for the petitioner-Management and am of the view that the writ petitions are liable to be dismissed.

Assuming for the sake of argument, the plea of the Management is that workman had abandoned the job which compelled Management to dispense with his services, but in the instant case, no such procedure, as envisaged, in the provisions of Section 25F of the I.D.Act, has been followed. The witness of the Management has, unequivocally, admitted in the evidence that the record pertaining to the payment of salary was not traceable,

therefore, the adverse inference is liable to be drawn against the Management. Even the workman had produced on record the deduction made by the Management qua EPF and the names of the workmen have also been mentioned therein. This fact has not been disputed by the Management.

In view of what has been observed above, there is no illegality, much less, falsity in the Award, whereby, compensation of ₹ 90,000/- has been awarded. The argument put forth on behalf of the Management do not fall within the realm of judicial review in exercise power under Article 226 of the Constitution of India.

The writ petitions are dismissed.

(AMIT RAWAL)
JUDGE

March 09, 2015
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