

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 534 of 2015
Date of decision: March 17, 2015

Block Education Officer, Sonipat and another
..... Petitioners
Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat
and another
..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ravi Partap Singh, AAG., Haryana
for the petitioners.

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 petitioner-Management has approached this Court by challenging the award dated 19.9.2014 passed by the Industrial Tribunal-cum-Labour Court, Panipat whereby respondent No.2 has been held to be entitled to reinstatement in service with continuity of service with 50% backwages.

Learned counsel for the State submits that the workman remain absent from his duty which he was discharging as a Water man w.e.f. 12.3.2009 to 23.5.2009 and even letters addressed at his address calling upon him to give the explanation have not been received by the workman neither he gave any explanation and therefore the order of the Labour Court suffers from illegality and

perversity.

I have heard learned counsel for the State and am of the view that there is no substance, much less force in the aforementioned arguments. The witness of the Management MW-1 unequivocally admitted in the cross examination that the Management did not hold any enquiry or issued any charge sheet for his willful absence. The witness MW-2 during cross examination stated that the workman was appointed as a part time water carrier on 5.10.1995 and worked up to 23.5.2009, much less even the notice qua payment of compensation was not served upon the workman.

The Management was at liberty to terminate the services of the petitioner by following due procedure in case the workman had absented himself by holding an enquiry and charge sheet. In case the workman had not participated in the enquiry or not replied the charge sheet the consequences would have automatically followed.

On account of the candid admission of the witness of the Management the Labour Court came to the categoric finding that there had been blatant violation of Section 25-F of the Industrial Disputes Act, 1947 and therefore ordered for reinstatement and as well as continuity of service with 50% back wages.

No fault can be found with the finding rendered by the Labour Court which is based on the judgment rendered by Full Bench of this Court in **Municipal Council, Dina Nagar Tehsil & Distt.Gurdaspur Vs. Presiding Officer, Labour Court, Gurdaspur and another 2014 (4)SCT 514** and as well judgment rendered by

Hon'ble the Supreme Court in **Jasmer Singh Vs. State of Haryana**
and another Civil Appeal No.346 of 2015 decided on 13.1.2015.

In view of what has been observed above, there is
no merit in the writ petition and accordingly the writ petition is
dismissed.

(AMIT RAWAL)
JUDGE

March 17, 2015
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