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

**CWP No.5747 of 2015
Date of decision:27.03.2015**

DAV College Trust and Management Society and another ...Petitioners
Versus
The Presiding Officer and another ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. R.S.Cheema, Advocate,
 for the petitioners.

Rakesh Kumar Jain, J.

The petitioners have challenged the award of the Industrial Tribunal-cum-Labour Court, Hisar (here-in-after referred to the “Tribunal”) dated 12.01.2015 by which respondent no.2 has been ordered to be reinstated into service with immediate effect with continuity of service, all other consequential benefits and 40% back wages from the date of demand notice till his actual reinstatement.

In brief, respondent no.2 was appointed as Lab Attendant on 25.08.2010 on daily wages in the petitioner-college but he was also discharging the additional work of Clerk being Graduate, having the knowledge of computer and continued to work as such up to 22.09.2012. It was alleged by respondent no.2 that he was not paid even the minimum wages as per the D.C. rates and when he requested for it, the petitioners got

annoyed and terminated his services without following the mandatory provisions of Sections 25-F and 25-G of the Industrial Disputes Act, 1947 (here-in-after referred to as the “Act”).

In order to prove their case, the petitioners examined Avneesh Jetly, Officiating Principal, D.N. College, Hisar as MW1, whereas respondent no.2 appeared as WW1. The Tribunal found that respondent no.2 had worked up to 22.09.2012 and his services were terminated without giving show cause notice, charge sheet or holding a domestic inquiry. The MW1 has admitted that Satish S/o Ram Pal, Hemant, Sandeep, Anoop Singh, Clerks, Manoj, Urmila and Sonu Shastri are still working in the college after termination of respondent no.2 in violation of Section 25-G of the Act.

Counsel for the petitioners has argued that respondent no.2 himself abandoned the job but no evidence in this regard has been led rather it has been observed by the Tribunal, while referring to the statement of MW1, that he has admitted that no letter was sent to the respondent no.2 regarding remaining absent from duty, therefore, there is hardly any evidence led by the petitioners to prove that the services of respondent no.2 were not terminated by them but he himself abandoned the job.

In view of the aforesaid, I do not find any merit in the present writ petition and hence, the same is hereby dismissed.

March 27, 2015
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(Rakesh Kumar Jain)
Judge