

CWP No.5932 of 2015

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

**CWP No.5932 of 2015  
Date of decision:07.04.2015**

Manager, M/s Harsh Auto Cares Pvt. Ltd. ...Petitioner

Versus

The Presiding Officer and another ...Respondents

**CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain**

Present: Mr. Sat Narain Yadav, Advocate,  
for the petitioner.

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**Rakesh Kumar Jain, J.**

The petitioner has challenged the award of the Industrial Tribunal-cum-Labour Court-I, Gurgaon (hereinafter referred to as the “Tribunal”) dated 02.01.2015.

It is submitted by learned counsel for the petitioner that the service of respondent no.2-workman was not terminated, rather he had abandoned the job.

The case set up by respondent no.2 is that he had been working as Assistant Accountant with the petitioner-firm w.e.f. 22.12.2008. On 15.06.2010, he was on leave for 3 days on account of his illness and intimated the petitioner regarding extension of his leave, but he was not

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allowed to join the duty w.e.f. 21.06.2010. It is submitted that his service has been terminated without any charge sheet or inquiry.

The Tribunal had found that the petitioner has failed to lead any evidence to prove that the respondent no.2 had himself abandoned the job as neither any notice/letter or postal receipt etc. has been produced to prove that the petitioner had tried to contact the respondent no.2 on account of his absence from duty.

Although learned counsel for the petitioner has vehemently argued that the order of the Tribunal is illegal, but he has failed to challenge the finding recorded against it on the issue of abandonment of job by the Tribunal.

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

April 07, 2015  
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**(Rakesh Kumar Jain)**  
**Judge**