

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

LPA No. 1038 of 2015

DATE OF DECISION : 01.09.2015

Narinder Singh

.... APPELLANT

Versus

Presiding Officer, Labour Court, Bathinda and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Triptjeet Singh Sidhu, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed by the workman against the order dated 18.02.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 8791 of 2012) filed by the appellant challenging the award dated 17.08.2010 (Annexure P7) rendered by the Labour Court, Bathinda, vide which the reference was answered against the workman, has been dismissed.

We have heard learned counsel for the appellant and have gone through the impugned order passed by the learned Single Judge as well as the award of the Labour Court.

The Labour Court as well as the learned Single Judge have declined relief to the appellant – workman on the ground that his services

were not terminated by the respondent – Management, but he himself abandoned his service. The Labour Court recorded the said finding on the basis of documentary evidence available on record, in the shape of Exbs. M-1 to M-6. It was observed that in the cross-examination, the workman admitted that he had received the aforesaid documents from the Management. After appreciating the oral as well as documentary evidence available on record, Labour Court recorded the finding of fact that the present case is not a case of termination of services of the workman, but the workman himself abandoned his service. This finding of fact has been affirmed by the learned Single Judge.

Learned counsel for the appellant – workman has tried to convince this court that the aforesaid finding is contrary to the evidence. In our opinion, re-appreciation of evidence by this court at this stage is not permissible. Thus, we are of the opinion that the impugned order passed by the learned Single Judge, does not require any interference.

No merit. Dismissed.

**(SATISH KUMAR MITTAL)
JUDGE**

September 01, 2015
ndj

**(MAHAVIR S. CHAUHAN)
JUDGE**