

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

LPA No. 1235 of 2015 (O&M)
DATE OF DECISION : 05.10.2015

Narpal Singh

.... APPELLANT

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon and
another

.... RESPONDENTS

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

Present : Mr. Ashok Tyagi, Advocate, for the appellant.

SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 02.02.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 10767 of 2012) filed by the appellant – workman challenging the award dated 25.09.2009 rendered by the Industrial Tribunal-cum-Labour Court, Gurgaon, answering the reference against him, has been dismissed.

Though there is delay of 48 days in re-filing and 57 days in filing the appeal and the appellant has filed separate applications (CM Nos. 2635-36-LPA of 2015) for condoning the said delay, yet we have heard learned counsel for the appellant on merits and have gone through the award of the Labour Court as well as the impugned order passed by the learned Single Judge.

In this case, the Labour Court has recorded a finding of fact that the workman himself abandoned service. This finding of fact has been recorded on the basis of two documents, i.e. Ex.MW1/1 and Ex. MW1/4, as well as the cross-examination of the workman himself. After appreciating the evidence, the Labour Court came to the conclusion that the workman had abandoned the service and it was not a case of termination of the services of the workman. The aforesaid two documents are letters sent by the Management to the workman through registered post asking the workman to join his duty. The Labour Court further recorded the finding of fact that the workman refused to receive one of the letters (Ex.MW1/1) and did not respond to the other letter (Ex.MW1/4). The said findings of fact have been approved by the learned Single Judge. The contention raised by learned counsel for the workman that before terminating services of the workman on the ground of absence from duty, domestic enquiry should have been held, in our opinion, has been rightly rejected by the learned Single Judge, because when the workman himself abandoned his service, no question of domestic enquiry in the charge arises. Therefore, no interference in the impugned order is required. Thus, we do not find any illegality in the order passed by the learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

October 05, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE