

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

LPA No. 1621 of 2015 (O&M)

DATE OF DECISION : 16.11.2015

Sanjay Kumar

.... APPELLANT

Versus

The Presiding Officer, Labour Court-II, Faridabad and another

.... RESPONDENTS

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

Present : Mr. Saurav Khurana, 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 against the order dated 27.04.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 17042 of 2011) filed by the appellant challenging the award dated 09.04.2010 (Annexure P-2) rendered by the Presiding Officer, Industrial Tribunal-cum-Labour Court-III, Faridabad, deciding the reference against him, has been dismissed.

Though there is delay of 149 days in filing the appeal and the appellant has filed application (CM No. 3474-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 the present case, it has been held by the Labour Court, after appreciating the evidence led by both the parties, that the appellant – workman himself submitted his resignation and accepted the amount of ₹ 5,000/- as compensation from the Management (respondent No.2). It has been held that it is not a case of termination of the services of the workman.

Learned counsel for the appellant tried to convince this court that the appellant neither submitted resignation nor received the amount of compensation, and the resignation letter produced by the Management is a forged document. This stand of the appellant has not been accepted by the Labour Court and after appreciating the evidence available on record, the Labour Court held that the appellant himself tendered his resignation and accepted the compensation. We do not find any ground to interfere with the impugned order passed by the learned Single Judge upholding the award of the Labour Court.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

November 16, 2015
ndj

(SHEKHER DHAWAN)
JUDGE