

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Letters Patent Appeal No.83 of 2015 (O&M)
DATE OF DECISION: 19.01.2015

Divisional Forest Officer (Territorial) Division, Rohtak
....Appellant
versus

Foolpati alias Foolar and another
.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Palika Monga, Deputy Advocate General, Haryana
..

S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral) :

CM-158-LPA-2015:

For the reasons stated in the application, delay of
126 days in filing the appeal is condoned.

C.M. stands disposed of.

LPA-83-2015:

The appeal is filed against the order of the learned
single Judge dated 03.07.2014 rejecting the petition
challenging the order of the Labour Court. The Labour Court
reinstated the respondent and granted her 50% back-wages from
the date of the demand notice, i.e., 03.11.2008.

2. The learned Judge has dealt with all the facts in
sufficient detail. One of the questions was whether the
respondent-workman worked for 240 days or not. The issues on
facts were justifiably decided in favour of the respondent-

workman on account of the fact that a written statement had not been filed and even the concerned file had not been produced before the Labour Court. This was despite opportunities having been granted to the appellant to do so.

3. The impugned order, therefore, warrants no interference.

4. The learned Judge, however, directed the back-wages to be recovered from the concerned official who was negligent in his duties in not ensuring that record is produced and for non filing the written statement before the Labour Court. The learned Judge has not identified the concerned official. Thus, even assuming that there was any negligence, the appellant is always at liberty to foist liability on the concerned official/officials. We would only add that at this stage it is not possible to hold that there was, in fact, negligence on the part of any official. That is also an aspect which is for the appellant to consider.

5. Subject to the above clarifications, the appeal is dismissed.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

19.01.2015
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(AUGUSTINE GEORGE MASIH)
JUDGE