

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.766 of 2016

Date of Decision:3.2.2016

Smt. Rati Bai

---Petitioner

vs.

**Superintendent Engineer, Chandigarh Circle Haryana PWD (B&R)
and others**

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Yash Paal Malik and
Mr. Ankur Malik, Advocates
for the petitioner

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

The present petition filed under Article 227 of the Constitution of India lays challenge to order dated 20.1.2016 (Annexure P-4) passed by the Presiding Officer, Industrial Tribunal-cum-Labour Court, U.T.Chandigarh (for short “the Tribunal”) dismissing an application filed by the petitioner for amendment of title of reference petition No. 300 of 2006, filed by the workman.

Counsel for the petitioner contends that in the title of the reference petition, name of the workman i.e. Ramwati wife of Bhawani Deen has been wrongly mentioned as correct name of the workman is Rati Bai wife of Biren son of Bhawani Deen. Biren, husband of the petitioner has also filed reference petition No. 278 of 2006, pending in the Tribunal. The petitioner filed an application for correcting her name and amendment of title of the reference petition in the following terms:-

“Rati Bai wife of Biren son of Bhawani Deen, resident of House No. 1454, Section 39-B, Chandigarh.”

It is submitted that the court has wrongly dismissed the application which is likely to cause a serious prejudice to the petitioner in her effort to adduce evidence to establish her identity. The court has refused to take into consideration the documents appended with the application despite direction by this Court in order dated 17.11.2015 passed in CWP No. 12455 of 2014 whereby the references in respect of the petitioner and her husband have been remitted to the Tribunal for re-examination.

I have heard counsel for the petitioner and perused the records but find no merit in the petition.

The Tribunal in para 4 of the impugned order has extracted the reference received under Section 10(1)(C) of the Industrial Disputes Act, made by the government. It has further been held that the Tribunal is not competent to make any amendment in the reference and the reference is to be answered by the Tribunal as it is. Counsel for the petitioner is not in a position to convince that the Tribunal can make any amendment in the reference made by the government, for decision. In this view of the matter,

I do not find any error much less illegality in the impugned order. However, in case the Tribunal has not permitted the petitioner to bring on record other materials which may help in establishing her identity in compliance of order dated 17.11.2015 (Annexure P-1) passed by this Court, the petitioner is always at liberty to take recourse to appropriate remedy, in accordance with law.

Disposed of.

(Rekha Mittal)
Judge

3.2.2016
paramjit