

CR-915-2016

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IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CR-915-2016

Date of decision : 08.02.2016

Balwant Singh

... Petitioner

Versus

The Superintending Engineer Construction Circle 2, Chandigarh and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Shashank Sharma, Advocate
for the petitioner.

REKHA MITTAL. J.

By invoking Article 227 of the Constitution of India, the present petition lays challenge to orders dated 26.07.2010 passed by the Authority under the Payment of Wages Act 1936 and dated 23.01.2015 passed by the Additional District Judge (appellate Court) dismissing claim of the petitioner for wages w.e.f. 01.08.1991 to 31.12.1992.

The sole submission made by counsel for the petitioner is that as the respondent has not initiated any disciplinary proceedings or imposed a punishment for the alleged absence of the petitioner, the findings recorded by the Authority and affirmed by the appellate Court cannot be allowed to sustain.

I have heard counsel for the petitioner, perused the impugned order and find no merit in the petition.

The appellate Court i.e. Additional District Judge, Chandigarh on a detailed consideration of the evidence on record has affirmed the findings recorded by the Authority, non-suiting claim of the petitioner for his entitlement to wages of the period during which he remained absent from duty. The petitioner examined Bikkar Singh, a co-employee in support of his plea that he never remained absent from duty. However, during his cross-examination Bikkar Singh admitted that from August 1991, Balwant Singh remained absent for a period of one year. In view of the evidence led by the respondent based on records duly maintained by the concerned authority coupled with the admission made by Bikkar Singh, no fault can be found in the consistent findings recorded in the impugned orders whereby it has been proved from testimonies of the witnesses that the petitioner remained absent from duty w.e.f. 20.08.1991 to 12.10.1991 and thereafter from 26.11.1991 to 13.08.1993. It was also brought on record that the petitioner had already been paid wages for the period from 14.08.1993 to 28.02.1994 amounting to ₹15,801/- in the month of May, 1994.

In this view of the matter, I do not find any error much less illegality in the findings recorded by the Authority and the appellate Court as would call for intervention.

Dismissed in limine.

(REKHA MITTAL)
JUDGE

February 08, 2016.

Davinder Kumar