

103

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: February 10, 2016
CWP No.2779 of 1994

Joginder Singh

Versus

The Presiding Officer and others

.....Petitioner

.....Respondents

CWP No.3184 of 1994

Bir Chand

Versus

The Presiding Officer and others

.....Petitioner

.....Respondents

CWP No.3374 of 1994

Nand Ram

Versus

The Presiding Officer and others

.....Petitioner

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Mansur Ali, Advocate
for the petitioners.

None for the respondents.

SABINA, J

Vide this order, above mentioned three writ
petitions would be disposed of as they have arisen out of
common award dated 05.11.1993 passed by the Labour
Court.

Petitioners had raised an Industrial dispute by
serving a demand notice challenging their termination. The
dispute raised by the petitioners was referred for

adjudication to Labour Court, Patiala by the appropriate Government.

The case of the petitioners was that petitioner Nand Ram had worked as Labourer for 33 years with respondent No.2, petitioner Bir Chand had worked as Turber for 31 years, whereas, petitioner Joginder Singh had worked as Shearking Fitter for 32 years. Services of the petitioners were terminated on 01.02.1989 in violation of the mandatory provisions of the Industrial Disputes Act, 1947 ('Act' for short).

Respondent No.2 in its written statement averred that due to dispute amongst the partners, firm was temporarily closed in January 1989. However, the firm was restarted in January 1990 and the petitioners were asked to report for duty, but they had failed to do so. Firm was again closed in June 1990 and thereafter, it was sold by the Management in the year 1993.

On the pleadings of the parties, following issues were framed by the Labour Court:-

- “1. Whether the reference is bad in law as alleged?
2. Whether the order of termination of services of the workmen is justified and in order?
3. Relief.”

Parties led their evidence in support of their respective pleas.

The Labour Court vide order dated 05.11.1993 held that the petitioners were not entitled to any relief. Hence, the present petition by the petitioners-workmen.

I have heard learned counsel for the petitioners and have gone through the record available on the file carefully.

In the present case, the case of the petitioners was that their services had been terminated on 01.02.1989. However, the witness examined by respondent No.2, MW1 Ajaib Singh stated that the petitioners had been paid wages upto 31.03.1989. Hence, the plea of the petitioners that their services had been terminated w.e.f. 01.02.1989 stood falsified, as they had been paid the wages upto 31.03.1989.

It is further the case of respondent No.2 that as there was some dispute between the partners, the firm was temporarily closed in January 1989 and was restarted in January 1990. Petitioners had, however, failed to report for duty in January 1990. The firm was again closed in June 1990 and the factory was sold by the Management in the year 1993. Respondent No.3 was not impleaded as a party before the Labour Court. Petitioner Bir Chand had admitted in his cross-examination that the factory was lying closed because of some dispute between the partners.

In view of the above facts and circumstances of the present case, the learned Labour Court rightly held that

the petitioners were not entitled to any relief.

No ground for interference by this Court while exercising jurisdiction under Article 226 of the Constitution of India, is made out.

Petitions stand dismissed.

**(SABINA)
JUDGE**

February 10, 2016
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