

In the High Court of Punjab and Haryana at Chandigarh

Civil Writ Petition No. 9997 of 1993
Date of Decision: 22.3.2016.

Haryana State Electricity Board, PanchkulaPetitioner

Versus

Rohtash Singh and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. J.S.Bedi, Advocate
for the petitioner.

Mr. Mohit, Advocate for
Mr. R.A.Sheoran, Advocate
for respondent No. 1.

SABINA, J.

Petitioner has filed this petition under Article 226 of Constitution of India seeking a writ in the nature of certiorari challenging the award dated 24.12.1992.

Respondent No. 1 had raised an industrial dispute by serving a demand notice challenging his termination. The dispute raised by respondent No. 1 was referred for adjudication to the Industrial Tribunal-cum-Labour Court by the appropriate Government.

Case of respondent No. 1, in brief, was that he had served the petitioner management on daily wage basis from October 1979 to April 1983. Services of respondent No. 1 had been terminated in violation of the mandatory provisions of Section 25-F of Industrial Disputes Act, 1947 ('Act' for short).

Petitioner management in its written statement averred that respondent No. 1 had not worked for 240 days in a year and had abandoned his service.

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

- “1. As per the terms of reference.*
- 2. Whether the workman had abandoned the job?*
- 3. Relief.”*

Parties led their evidence in support of their respective pleas.

Industrial Tribunal-cum-Labour Court vide its award dated 24.12.1992 answered the reference in favour of respondent No. 1 and held that respondent No. 1 was entitled for reinstatement with continuity of service but without back-wages. It was further held that workman would be entitled to receive wages from the date of the award. Hence, the present petition by the petitioner-management.

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

During the course of arguments, it has transpired that in pursuance to the impugned award, respondent No. 1 was permitted to join duty on 12.5.1995 and his services were later regularized with effect from 11.5.1993. Since the services of respondent No. 1 were regularized, at this stage it would not be appropriate for this Court to interfere while exercising jurisdiction under Article 226 of the Constitution of India.

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

March 22, 2016
Gurpreet