

CWP No.10422-2012

[1]

In the High Court of Punjab and Haryana at Chandigarh.

CWP No.10422-2012
Date of Decision: 19.01.2016

Santokh Singh

...Petitioner

Versus

Presiding Officer, Industrial Tribunal, Amritsar and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Amarjit Singh, Advocate,
for the petitioner.

Mr. K.D.S. Sidhu, Addl. AG, Punjab.

SABINA, J.

Petitioner has filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of certiorari challenging the order dated 20.03.2012 (Annexure P-8).

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

In the present case, petitioner was working as a conductor with the respondents. Services of the petitioner were terminated on 23.09.1980. Petitioner raised an industrial dispute by serving a demand notice. The dispute was referred for adjudication to Industrial Tribunal, Amritsar

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by the appropriate Government. The Tribunal vide its award dated 20.05.1987 (Annexure P-1) answered the reference in favour of the petitioner and ordered that the petitioner be reinstated in service with continuity of service and back-wages. Thereafter, petitioner filed an application under Section 33-C(2) of the Industrial Disputes Act, 1947 claiming that he had not been paid the due benefits in terms of the award (Annexure P-1). The said application was dismissed by the Tribunal vide impugned order dated 20.03.2012 on the ground that the award had been passed in favour of the petitioner and against General Manager, Punjab Roadways, Patti, whereas, the application under Section 33-C(2) had been filed by the petitioner against Punjab Roadways Tarn Taran. A perusal of the impugned order reveals that petitioner had also impleaded Director State Transport Punjab as respondent No.2. Petitioner was employed by Punjab Roadways. Merely because after his reinstatement, petitioner had been transferred from Patti to Tarn Taran was no ground to dismiss the application moved by the petitioner on technical grounds especially when Director State Transport, Punjab had been impleaded as a respondent. The learned Tribunal fell in error while dismissing the application on technical grounds. Petitioner could have been permitted to implead the necessary party.

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Accordingly, this petition is allowed. Impugned order dated 20.03.2012 is set aside. Tribunal is directed to dispose of the claim of the petitioner on merits and pass a fresh order in accordance with law.

January 19, 2016
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(SABINA)
JUDGE