

In the High Court of Punjab and Haryana at Chandigarh.

CWP-10783-2012

Date of Decision:05.01.2016.

Maya Devi

...Petitioner

Versus

Presiding Officer and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Pankaj Jain, Advocate,
for the petitioner.

Mr. Adarsh Jain, Advocate,
for respondent No.2.

SABINA, J.

Petitioner has filed this petition challenging the
Award dated 05.02.2010 (Annexure P-8).

Learned counsel for the petitioner has submitted
that petitioner had put in more than 240 days of service with
the respondent No.2. Services of the petitioner were
terminated by respondent No.2 without following due
procedure of law.

Learned counsel for respondent No.2 on the other
hand has opposed the petition and has submitted that in fact
petitioner had submitted her resignation on 29.05.2000 and
the same was accepted on the same day and the requisite
dues were paid to the petitioner vide receipt Annexure R-5.

Case of the petitioner, in brief, was that she was employed with the respondent as Finishing Assistant on 06.11.1997 on a monthly salary of ₹1300/-. From April 2000 onwards, petitioner was paid salary to the tune of ₹1900/- per month. However, the services of the petitioner were terminated on 24.05.2000 without following due process of law.

Petitioner raised an industrial dispute. The dispute raised by the petitioner was referred to the Industrial Tribunal-Cum-Labour Court for adjudication by the appropriate Government.

Respondent No.2 in its reply took up the plea that petitioner had joined the services of respondent No.2 on 01.04.2000 as a Helper on a salary of ₹1910/- per month. In fact, the petitioner had herself left the job on 29.05.2000 after receiving full and final settlement of her claim.

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

1. Whether the termination of services of Maya Devi is not justified and in order? If so, to what relief, she is entitled to? OPW
2. Whether the reference is bad in law? OPM
3. Relief.

Parties led their evidence in support of their case. Although, the case of the petitioner was that she had joined as

a Finishing Assistant with respondent No.2 on 06.11.1997 but respondent No.2 has established on record that petitioner had submitted her resignation letter dated 29.05.2000 and had settled her accounts. Receipt Annexure R-5 (Exhibit M-5) was also proved on record. Exhibit M-1 (Annexure R-4) is the communication to the petitioner by respondent No.2 that her resignation letter dated 29.05.2000 had been accepted. Petitioner had admitted her signatures on the same during her cross-examination. In this situation, the learned Labour Court rightly held that the petitioner had herself resigned from the job after taking full and final dues.

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

Dismissed.

January 05, 2016
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(SABINA)
JUDGE