

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CWP No. 11144 of 2012 (O&M)
Date of decision: 22.07.2016**

Lakhbir Kaur

....Petitioner

Versus

Presiding Officer, Industrial Tribunal, Amritsar and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

1. Whether Reporters of local papers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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

Mr. Gagandeep Singh, Advocate for respondent No.2.

P.B. Bajanthri, J.(Oral)

In the instant writ petition, the petitioner has questioned the award dated 12.10.2011 (Annexure P-10) passed by the Industrial Tribunal, Amritsar. Learned counsel for the petitioner submitted that petitioner was appointed as Receptionist on 02.05.1995. Her services were terminated on 31.10.2006. Consequently, demand notice was issued on 15.11.2006. Reference of dispute to the Labour Court, Amritsar as well as statement of claim of the petition is dated

24.07.2007. The petitioner is stated to have submitted amended statement of claim on 26.11.2008.

2. Heard learned counsel for the parties.

3. Perusal of the award dated 12.10.2011 it is evident that the Labour Court was adjudicating under Section 2A and 10(1)(c) of the Industrial Disputes Act, 1947 vide endorsement No. ID/12130-31 dated 24.07.2007. An extract of the reference is hereunder:-

“Whether termination of the service of Smt. Lakhbir Kaur workman has been made by the management illegally and unlawfully? If so, to what relief/exact amount of compensation he is entitled.”

4. Whereas, Labour Court, framed the following issues:-

- “1. At what rate and for what amount the wages of the applicant are liable to be computed?
2. Whether the application is not maintainable.
3. Relief.”

5. In view of the above discrepancy as well as various errors pointed out by the learned counsel for the petitioner in the Award, the matter is required to be remanded to the Industrial Tribunal, Amritsar.

6. The award dated 12.10.2011 (Annexure P-10) is set aside and reference is remanded for fresh adjudication by the Industrial Tribunal, Amritsar. Fresh adjudication shall be completed within a period of 3 months from today for the reasons that the petitioner services were terminated on 31.10.2006 and she has rendered service

from 02.05.1995 to 31.10.2006. If the LCR is in this court, the same shall be transmitted to Industrial Tribunal, Amritsar within a week.

7. Civil Writ Petition stands disposed of.

22.07.2016

pooja saini

(P.B.BAJANTHRI)
JUDGE