

In the High Court of Punjab and Haryana at Chandigarh

**Civil Writ Petition No. 10127 of 2013
Date of Decision: 11.1.2016.**

Shatrughan Singh

.....Petitioner

Versus

Presiding Officer, Labour Court-1,
Faridabad and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Gaurav Kathuria, Advocate
for the petitioner.

Mr. Shiv Kumar, Advocate
for respondent No. 2.

SABINA, J.

Petitioner has filed this petition under Article 226 of the Constitution of India challenging the award dated 17.2.2010 (Annexure P-4).

Learned counsel for the petitioner has submitted that petitioner be granted one opportunity to enable him to lead his evidence so that the dispute raised by the petitioner could be decided on merit.

Learned counsel for respondent No. 2, on the other hand, has opposed the petition and has submitted that petitioner had failed to appear in the witness box for his cross-examination for one year. Now the present petition has also been filed after three years of the passing of the award.

Petitioner had raised an industrial dispute challenging his termination by serving a demand notice. The appropriate

government referred the dispute for adjudication to Industrial Tribunal-cum-Labour Court-I, Faridabad.

Case of the petitioner was that he had been working as a Hammer Man with respondent No. 2 from 1.5.1995 and his services were terminated on 27.4.2004 without complying with the provisions of Industrial Disputes Act.

Respondent No. 2, in its written statement, took up the plea that petitioner had himself left the job with effect from 28.4.2004.

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

- 1. Whether the services of claimant were terminated illegally? If so, to what effect? OPW*
- 2. Whether reference is not maintainable? OPR*
- 3. Whether the claimant has absented himself and abandoned the job himself? OPR*

The examination-in-chief of the petitioner was recorded on 5.2.2009. However, thereafter petitioner failed to appear in the witness box for the purposes of his cross-examination. Consequently, the evidence of the petitioner was closed by order and the impugned award was passed whereby the reference was answered against the petitioner. The present writ petition challenging the award Annexure P-4 dated 17.2.2010 has been filed in May 2013 i.e. after more than three years of the passing of the impugned award. From the facts of the present case, it is evident that the petitioner was not pursuing his case diligently. Petitioner had failed to appear in the witness box for the purposes of his cross-examination for one year before the Industrial

Tribunal-cum-Labour Court. Thereafter also petitioner did not bother to pursue his case but has filed the present writ petition after more than three years.

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

Dismissed.

**(SABINA)
JUDGE**

January 11, 2016
Gurpreet