

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

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**CWP-1656-2013 (O&M)
Date of decision: 23.05.2016**

Rajesh Kumar

....Petitioner

Versus

The Presiding Officer and another

.... 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. J.S.Virk, Advocate for the petitioner.

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

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has questioned the order dated 31.05.2011 (Annexure P3) passed by the Industrial Tribubal, Patiala.

The petitioner is stated to have appointed on 01.08.1992 as a Godown Keeper. He has worked up to 17.10.1997. It is stated that petitioner's services were terminated on 18.10.1997. Demand notice was raised in the year 2000. Thereafter, reference was made in the year 2000.

The Labour Court has framed following issues:-

- “1. *Whether the reference is bad in law?OPM.*
2. *Whether the reference is not maintainable?OPM.*
3. *Whether the respondent is covered under the approved standing orders of the company?OPM.*
4. *Whether the applicant has not completed 240 days continuously in the calendar year with the respondent? If so, its effect?OPM.*
5. *Whether the applicant settled the accounts towards full and final payment on 26.11.1997? If so, its effect. OPM.*
6. *Whether termination of the services of the workman is justified and in order?OPM.*
7. *Relief.”*

The respondents filed written statement in which the respondents have contended that the petitioner was working on daily wages basis with certain breaks since the work was relating to seasonal one. It was further contended by them that petitioner workman submitted resignation on 26.11.1996 vide Ex. M3. Petitioner has been paid salary for the month of October, 1997 and in full and final settlement. He has been paid bonus also. In this regard, petitioner has attested his signature to Annexure M3, M4 and M6. No replication has been filed by the workman for the written statement filed on behalf of the respondents. Taking into consideration these facts and circumstances, the Industrial Tribunal Court has held that the claim of the petitioner is false and the workman is not entitled for any relief sought in the reference.

Learned counsel for the petitioner submitted that petitioner had been terminated from service without issuance of notice and compliance of provision of Industrial Disputes Act. In view of the fact that petitioner has submitted his resignation application which was accepted under the signature of the workman-petitioner. It is also undisputed that petitioner has been paid salary for the month of October, 1997 and so also bonus for the year 1997-98 under the signature of the petitioner.

Having regard to the facts and circumstances, the petitioner has not made out a case so as to interfere with the order of the Industrial Tribunal dated 31.05.2011.

Civil Writ Petition stands dismissed.

23.05.2016

pooja saini

(P.B. BAJANTHRI)
JUDGE