

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19105 of 2013

Date of Decision:-09.12.2016.

M/s Fuelsave System & Devices Pvt. Ltd.

.....Petitioner

Versus

Raj Kishore and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Ankur Lal, Advocate for the petitioner.

Mr. Shiv Kumar, Advocate for respondent No.1.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, the petitioner has assailed the award passed by the Labour Court dated 25.4.2013. The respondent joined petitioner's company as a Helper on 10.1.1994 and he has earned promotion to the cadre of Welder. While working as such, there was a scuffle between the first respondent and the staff of the petitioner-Management in particularly, Karambir, Driver. There was physical abuse against the respondent-workman which was stated to be compromised later on followed by order of oral termination on 27.5.2005. The respondent-workman raised demand notice on 28.6.2005 immediately after his oral termination. The respondent-workman raised industrial dispute, thus, the reference was decided by the Labour Court while holding that he is ordered to be reinstated in service with continuity of service with 20% of back wages

along with 9% interest. Thus, the present petition has been filed.

2.) Learned counsel for the petitioner submitted that the petitioner-Management intended to take back the respondent-workman to duty which is evident from Annexures P-2 and P-3. Despite that the respondent-workman failed to report back to duty. Therefore, the respondent-workman himself abandoned service on his own and there is no question of oral termination.

3.) On the other hand, learned counsel for the respondent-workman submitted that background of oral termination is that staff of the petitioner-Management in particularly Karambir, Driver who has physically abused the respondent-workman and the matter was taken before the police and subsequently, it was compromised between the petitioner and the respondent-workman. Thus, the respondent-workman was not allowed to work from 26.5.2005 onwards and it is a fact that on 28.6.2005 demand notice was issued. Therefore, there is no infirmity in the award passed by the Labour Court.

4.) Heard learned counsel for the parties.

5.) Admittedly reason for oral termination is that there was a scuffle between the staff of the Management and respondent-workman which got compromised later on. Therefore, it is not a case that the respondent-workman abandoned service. The Labour Court has taken note of the clash between the staff of the Management and respondent and further compromise entered into among the parties and also the evidence adduced by the Management witnesses. Thus, there is no infirmity in the award passed by the Labour Court dated 25.4.2013. The petitioner has not

Court dated 25.4.2013.

6.) Petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

December 09, 2016.

sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.