

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

**CWP No. 1975 of 2013 (O&M)**

**Date of Decision : 05.08.2016**

**Pepsu Road Transport Corporation, Patiala**

**...Petitioner**

**Versus**

**Presiding Officer, Labour Court-cum-Industrial Tribunal, Ludhiana  
and others**

**...Respondents**

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

Present: Mr. Harsh Aggarwal, Advocate for the petitioner.

None for respondents No. 2 and 3.

\*\*\*

**P.B. Bajanthri, J.(Oral)**

In the present writ petition, petitioners have assailed the Award dated 13.09.2012 (Annexure P-10) passed by respondent No. 1-The Presiding Officer, Labour Court-cum-Industrial Tribunal, Ludhiana.

Brief facts of the case are that the respondent-workman was appointed as a Chowkidar with the corporation on 27.01.1992. While he was working as a Chowkidar during the period from January 1999 to September 2000, he remained absent for 67 days. Consequently, he was charge-sheeted for his absence. On 14.01.2002 he fairly admitted his absence. Thus, Inquiry Officer held that the charges levelled against the workman was proved and on 31.03.2003 his services were terminated. The respondent-workman preferred an appeal before the appellate authority but the same was dismissed on 11.07.2003. Consequently, workman raised a labour dispute. Thereafter on 13.09.2012 Labour Court modified the

penalty of termination from service while setting-aside the order of termination to that of withholding of three annual increments with cumulative effect and the workman is entitled for 30% back wages. Thus, the petitioners have presented the present petition.

Learned counsel for the petitioners submitted that the workman is a habitual absentee as is evident from the charge memo. During the period from January, 1999 to September 2000, he remained absent for 67 days and the same has not been disputed by the workman in the inquiry. Consequently, rightly order of termination has been passed. Therefore, the Labour Court could not have interfered with the order of termination.

The Labour Court modified the penalty of termination to that of withholding of three annual increments with cumulative effect and restricted to 30% back wages. The respondent-workman is only a Chowkidar. Since he has admitted his absence for a period of 67 days during the period from January 1999 to September 2000, imposition of order of termination would be too harsh, therefore, there is no infirmity in the Award dated 13.09.2012 (Annexure P-10) passed by respondent No. 1-The Presiding Officer, Labour Court-cum-Industrial Tribunal, Ludhiana.

No interference is called for this Court.

Petition stands dismissed.

**August 05, 2016.**  
*kanchan*

**(P.B. BAJANTHRI)**  
**JUDGE**

Whether speaking/reasoned? Yes

Whether reportable? No