

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.21453 of 2013
Date of Decision:-18.11.2016.

Shivdev Singh

.....Petitioner

Versus

The Presiding Officer, Industrial Tribunal, Gurdaspur and others

.....Respondents

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

Present: Mr. B.D. Sharma, Advocate for the petitioner.

Mr. Y.P. Khullar, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

In the present petition, the petitioner has questioned the award passed by the Industrial Tribunal dated 25.7.2013 vide Annexure P-3. The petitioner earlier approached this Court in CWP No.12293 of 2005 which was decided on 17.1.2008. This Court while recording that the petitioner-workman has not completed 240 days in any calendar year and further on the ground of delay of seven years in issuing demand notice has been taken note of and the writ petition filed by the petitioner has been dismissed. This was not taken note of by Industrial Tribunal while considering the reference on 14.8.2013.

Learned counsel for the respondents submitted that in the written statement before the Labour Court, it was specifically pointed out that the petitioner has already suffered an order before this Court in CWP

No.12293 of 2005 dismissed on 17.1.2008. Therefore, the Industrial Tribunal fell in error in not taking into consideration of the judgment passed in CWP No.12293 of 2005. That apart, the petitioner has not made out a case so as to interfere with the award passed by the Industrial Tribunal, Gurdaspur as long as Division Bench of this Court wherein the petitioner suffered an order and he is not permitted to raise a dispute and get reference unless and until the decision dated 17.1.2008 passed in CWP No.12293 of 2005 is reviewed. In other words dispute of the petitioner is already adjudicated by this Court in CWP No.12293 of 2005.

Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

November 18, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.