

CWP No.3024 of 2012

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In the High Court of Punjab and Haryana at Chandigarh.

CWP No.3024 of 2012

Date of Decision: 07.01.2016.

Rajeev Kumar

...Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court,
Hissar and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.S. Sangwan, Advocate,
for the petitioner.

Mr. Raman B. Garg, Advocate,
for respondent No.2.

SABINA, J.

Petitioner has filed this petition challenging the
Award dated 02.11.2011.

Learned counsel for the petitioner has submitted
that the services of the petitioner had been terminated in
gross violation of the provisions of the Industrial Disputes Act
1947. Hence, the petitioner was liable to be adequately
compensated.

Learned counsel for respondent No.2, on the other
hand, has opposed the petition and has submitted that the
petitioner, in-fact, had himself left the job. The said fact was

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evident as the petitioner had raised the dispute after 15 years.

Petitioner had raised an industrial dispute by submitting a demand notice on 01.08.2005 challenging his termination on 01.11.1990 by respondent No.2. The case of the petitioner was that he was working with respondent No.2 as a Mate with effect from 01.09.1989 and he had worked on the said post upto 30.10.1990. However, when the petitioner reported for duty on 01.11.1990, he was not allowed to join his duty.

The case of respondent No.2, on the other hand, was that the petitioner was employed as a Mate by them in September 1989 and he had left the job of his own accord in October 1990. He had failed to report for duty after 25.10.1990. It was further pleaded that petitioner had attended his duty only for one hour from 22.10.1990 to 24.10.1990.

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

1. Whether the termination of services of the workman Sh. Rajeev Kumar is legal or not, if not, to what relief he is entitled to? OPA
2. Whether the workman has no cause of action and locus standi to file the present claim statement? OPM
3. Whether the workman is estopped from filling

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the claim petition by his own act and conduct?

OMP

4.Relief.

Parties led their evidence in support of their case.

Admittedly, petitioner had worked with respondent No.2 as a Mate from September 1989 to October 1990. The case of the petitioner is that he was not allowed to join his duties on 01.11.1990, whereas, the case of respondent No.2 is that petitioner had himself left the job. Since, in the present case, petitioner had raised the industrial dispute after 15 years, the plea put forth by respondent No.2 that the petitioner had himself left the job was rightly believed by the Labour Court.

Learned counsel for the petitioner, during the course of arguments had submitted that the petitioner had submitted representation before respondent No.2 to permit him to join duty but admittedly no such representation was proved on record before the Industrial Tribunal-Cum-Labour Court.

Learned counsel for the petitioner has further submitted that petitioner is ready to forego all the monetary benefits if he is permitted to join his duty. In support of his arguments, learned counsel for the petitioner has placed reliance on **CWP No.2020 of 2012 decided on 11.08.2015**

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**titled as “Dilbag Singh Vs. Presiding Officer and others,
Chinti Devi Vs. Presiding Officer, Industrial Tribunal-
cum-Labour Court 2014(2) RSJ 3 and Bharat Sanchar
Nigam Limited Vs. Man Singh (2012) SCC 558.**

I have gone through the judgments relied upon by learned counsel for the petitioner but the same fail to advance the case of the petitioner as they are based on different facts.

Keeping in view the facts and circumstances of the present case, no ground for interference by this Court while exercising jurisdiction under Article 226 of the Constitution of India is made out.

Dismissed.

January 07, 2016
kapil

**(SABINA)
JUDGE**