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

CWP No.2062 of 2016

Date of decision: February 02, 2016

Naveen

.....Petitioner

Versus

Presiding Officer and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Jitender Nara, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of certiorari for quashing the award dated 22.02.2013 (Annexure P-1).

Petitioner had raised an Industrial dispute by serving a demand notice that his services had been illegally terminated w.e.f. 01.01.2008. The appropriate Government referred the said dispute for adjudication to the Industrial Tribunal-cum-Labour Court, Hisar.

The case of the petitioner, in brief, was that he had worked with the respondent-Management on daily wage basis from January 1995 upto 31.12.1998 and then, from January 2000 upto 31.12.2007. Services of the petitioner had been terminated without complying with the mandatory provisions of the Industrial Disputes Act, 1947 ('Act' for short).

Respondent-Management in its written statement denied the claim put-forth by the petitioner. It was averred that the petitioner had worked with them on contract basis during the financial years 2002-2003, 2003-2004, 2004-2005 and was made payment qua the work executed by him.

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

- "1. Whether the termination of services of workman is legal or not? If not, to what relief he is entitled to?OPA
2. Relief."

Parties led their evidence in support of their respective pleas.

The learned Industrial Tribunal-cum-Labour Court dismissed the claim put-forth by the petitioner vide award dated 22.02.2013. Hence, the present petition by the petitioner-workman.

Learned counsel for the petitioner has submitted that the petitioner had appeared in the witness-box and deposed as per the contents of his claim. Respondent-Management had failed to produce the record to show that the petitioner had not worked for the period in question.

In the present case, petitioner while appearing in the witness-box as WWI deposed as per the contents of his claim. Respondent-Management examined Vinod Kumar as

MW1. The said witness deposed that the petitioner had worked with the Management on contract basis for a period of one month in the financial year 2002-2003, for a period of six months in the financial year 2003-2004 and for one month in the financial year 2004-2005. Petitioner had been made payment for the work executed by him. Petitioner had failed to corroborate his statement by leading any documentary evidence. Admittedly, petitioner had also not summoned the relevant record from the employer to establish that he had worked with the Management from January 1995 to 31.12.1998 and January 2000 to 31.12.2007. In these circumstances, learned Industrial Tribunal-cum-Labour Court rightly held that the reference sought by the petitioner was liable to be declined as he had failed to establish that he had worked with the respondent-Management for more than 240 days in a preceding year prior to the date of his termination.

No ground for interference by this Court while exercising jurisdiction under Article 226 of the Constitution of India, is made out.

Dismissed.

**(SABINA)
JUDGE**

February 02, 2016
mahavir