

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22753 of 2014
Date of Decision:-22.11.2016.

Sunil Kumar

.....Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak and
another

.....Respondents

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

Present: Mr. Sandeep Singal, Advocate for the petitioner.

None for respondent Nos.2 and 3.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, the petitioner has questioned the award dated 4.3.2014 passed by the Industrial Tribunal-cum-Labour Court, Rohtak.

2.) The petitioner is stated to have been appointed as Assistant Computer Operator on 1.10.1996. His services were terminated on 24.12.2000. He has raised a demand notice on 2.9.2003. Thereafter, Reference No.38 of 2004 was decided by the Industrial Tribunal-cum-Labour Court on 4.3.2014 while declining to grant relief to the petitioner on the score that the petitioner has not adduced any evidence relating to that he has worked for 240 days. Thus, the present petition has been filed.

3.) Learned counsel for the petitioner submitted that vide

Annexure P-4 dated 5.12.2007, he submitted an application for summoning witnesses and records like muster roll/pay roll and other service records pertaining to the petitioner. On 2.7.2010, one Raj Singh, Clerk of Jat College, Rohtak appeared and sought time that record would be made available in future date. However, the same was not complied by Raj Singh, Clerk. Ignoring the application for summoning service records relating to the petitioner, the Labour Court proceeded to pass award. Therefore, award of the Tribunal dated 4.3.2014 is set aside and the matter is remanded for consideration of application for summoning witness as well as production of records like muster roll/pay roll and other service particulars of the petitioner. The Labour Court is directed to decide the reference afresh within a period of six months from today. If any LCRs are received by the Registry, the same shall be returned to the Labour Court at the earliest.

4.) Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

November 22, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.