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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: February 26, 2016
CWP No.3917 of 2016

The Medical Superintendent-cum-Chairman
and others

Versus

Hira Singh and another

.....Petitioners

.....Respondents

CWP No.3920 of 2016

The Medical Superintendent-cum-Chairman
and others

Versus

Gurpreet Singh and another

.....Petitioners

.....Respondents

CWP No.3947 of 2016

The Medical Superintendent-cum-Chairman
and others

Versus

Tarlochan Singh and another

.....Petitioners

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Neeraj Yadav, AAG Punjab.

SABINA, J

Vide this order, above mentioned three writ petitions would be disposed of as they have arisen out of common award dated 06.01.2016 passed by the Industrial Tribunal.

Hira Singh, Gurpreet Singh and Tarlochan Singh had raised Industrial dispute by serving separate demand notices challenging their termination. The disputes raised by the workmen were referred for adjudication to Industrial Tribunal,

Amritsar by the appropriate Government.

The case of the workmen was that they had been appointed as Class-IV employees with the petitioners vide appointment letters dated 30.06.2010. However, services of the workmen were terminated orally w.e.f. 10.07.2011 on the pretext that their work and conduct was not satisfactory. Workmen were liable to be reinstated in service as their services had been terminated in violation of the mandatory provisions of Industrial Disputes Act, 1947 ('Act' for short).

Petitioners in their written statement averred that the workmen had been appointed on contract basis for 364 days only. The said contract was not renewed as their work and conduct was not satisfactory.

On the pleadings of the parties, issues were framed by the Industrial Tribunal.

Parties led their evidence in support of their respective pleas.

The Industrial Tribunal vide award dated 06.01.2016 ordered the reinstatement of the workmen with continuity of service and 20% backwages. Hence, the present petition by the Management-Petitioners.

I have heard learned State counsel and have gone through the record available on the file carefully.

Admittedly, in the present case, workmen were appointed vide appointment letters dated 30.06.2010 for 364 days. Thus, the workmen had put in more than 240 days of service in the year preceding their termination. The case of the

petitioners was that the contract of appointment of the workmen was not extended as their work and conduct was not found satisfactory. However, there was no documentary evidence on record to establish that the work and conduct of the workmen was not satisfactory. Further, it has been noticed by the Industrial Tribunal that 13 posts of Chowkidars were still lying vacant with the petitioners. Thus, it is not a case where work for which workmen had been appointed had come to an end. Thus, the services of the workmen were terminated without complying with the mandatory provisions of Section 25F of the Act. In these circumstances, the Industrial Tribunal rightly came to the conclusion that the workmen were liable to be reinstated in service in the same capacity in which they were appointed with continuity of service along with 20% backwages. It has further been ordered by the Industrial Tribunal that the workmen can be removed by the Management as per advertisement, if their work and conduct was not satisfactory.

In 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.

Petitions stand dismissed.

**(SABINA)
JUDGE**

February 26, 2016
mahavir