

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.8821 of 2013

Date of Decision:- 08.09.2016.

Balbir Baght

.....Petitioner

Versus

M/s Thermal Paper Pvt. Ltd. and another

.....Respondents

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

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

Mr. Mohak Bhadana, Advocate for respondent No.1.

P.B. BAJANTHRI, J. (Oral)

- 1.) In the instant writ petition, the petitioner has assailed the award dated 10.12.2012 vide Annexure P-7.
- 2.) The petitioner is stated to have been appointed as Operator in the respondent Company on 26.11.1997. His services were terminated on 13.12.2007. Thus, he raised industrial dispute before the Labour Court. The Labour Court decided the dispute while rejecting the claim of the petitioner for reinstatement and back wages. However, compensation of ₹ 40,000/- has been ordered.
- 3.) Learned counsel for the petitioner submitted that perusal of para 11 to 16 of the award which is in favour of the petitioner. In fact, in para 15 of the award, the first two issues were decided in favour of the workman and issue No.3 regarding maintainability decided against the

respondent. The Labour Court erred in appreciating the finding given in para 11 to 13 so as to grant compensation of ₹ 40,000/- only instead of reinstatement and back wages. When the findings are in favour of the workman petitioner and when he is stated to have worked for more than 10 years, the matter requires re-consideration whether he is entitled to reinstatement and back wages. On the other hand, learned counsel for the respondent submitted that there is no relationship of employer and employee since the petitioner has not furnished any documents. On the contrary, the document of leave application dated 1.7.2007 and 11.7.2007 has been disputed by the petitioner himself stating that signature on the leave application is not of his. In view of these facts and circumstances, matter is remanded to the Labour Court to decide reference afresh. The parties are directed to appear before the Labour Court on 18.10.2016. The Labour Court is requested to decide the reference afresh within a period of four months from today reserving liberty to the parties to urge any other contention.

4.) Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

September 08, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.