

CWP 8900-2013

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

233-2

**CWP No. 8900 of 2013(O&M)
Date of decision: 08.09.2016**

Mohar Singh

.... 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)

In the instant writ petition, the petitioner has prayed for quashing of Award dated 12.12.2012 (Annexure P-7) passed by the Labour Court.

2. The petitioner is stated to have been appointed as Operator on 13.10.1996 in the respondent-Company. His services have been terminated on 04.01.2008. Petitioner raised a dispute. The same was considered and rejected by the Labour Court on 12.12.2012. Hence, the present petition.

3. Learned counsel for the petitioner submitted that the Labour Court has erred in not considering the claim of the petitioner that he has worked from 1996 to 2008. To support the plea that he has worked during the above period, he is stated to have submitted an application before the Labour Court for summoning certain records. The same has not been produced by the respondents. Thus, the Labour Court has erred in rejecting

CWP 8900-2013

the claim of the petitioner.

4. On the other hand, learned counsel for the respondents submitted that there is no relationship between the employer and employee as held by the Labour Court, therefore, question of production of any document does not arise. Learned counsel for the respondents disputed the application made by the petitioner for summoning certain records.

5. In view of these disputes facts, the matter is remanded to the Labour Court for deciding the reference afresh within a period of 4 months from today. Parties are directed to appear before the Labour Court on 18.10.2016. Reserving liberty to the parties to urge any other contentions.

08.09.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons Yes/No

Whether Reportable: Yes/No