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

CWP No.59 of 2016

Date of decision: January 07, 2016

Bodh Raj

.....Petitioner

Versus

Presiding Officer and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Ms. Jagdeep Bains, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition under Article 226 of the Constitution of India seeking writ in the nature of certiorari for quashing the order dated 14.01.2015 (Annexure P-14).

Learned counsel for the petitioner has submitted that in fact, as per the Muster Rolls Annexures P-1 and P-2, petitioner was working as a Welder with respondents No.2 to 4 and as per Muster Rolls Annexures P-3 and P-4, petitioner was described as Work Munshi. However, petitioner had been reinstated/regularised as a Beldar. Hence, the designation of the petitioner was liable to be corrected as Welder/Work Munshi.

Petitioner had raised an Industrial dispute challenging his termination by serving a demand notice.

The dispute raised by the petitioner was referred for

adjudication to the Labour Court. Annexure P-5 is the award passed by the Labour Court. A perusal of the same reveals that it was the case of the petitioner that he was serving the respondents as Beldar and his services had been illegally terminated. The Labour Court ordered the reinstatement of the petitioner with continuity of service and full back-wages from the date of service of demand notice till reinstatement. In pursuance to the said award, petitioner was reinstated in service and was later, regularised as a Beldar. Petitioner moved an application under Section 33 C (2) of the Industrial Disputes Act, 1947 ('I.D. Act' for short) that he was liable to be reinstated as Welder/Work Munshi.

The case of respondents No.2 to 4 was that he was working as a Beldar and the Labour court vide its award dated 22.03.2002 had ordered the reinstatement of the petitioner and in pursuance to the said award, petitioner was allowed to join as a Beldar on 08.09.2005.

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

- "1. Whether the applicant is entitled to the amount claimed as prayed for?OPA.*
- 2. Relief."*

The learned Tribunal after considering the evidence led by the parties rightly dismissed the application moved by the petitioner as the case of the petitioner at the time of raising the Industrial dispute challenging his

termination was that he was working as a Beldar with respondents No.2 to 4. Consequently, in pursuance to the award Annexure P-5 passed by the Labour Court, petitioner was reinstated in service as a Beldar. Later the petitioner was regularised as a Beldar. Thus, it was not the case of the petitioner before the Labour Court when he had challenged his termination that he was working as a Welder/Work Munshi. Rather the case of the petitioner was that he was working as a Beldar with respondent-Management. In these circumstances, the learned Tribunal while exercising the jurisdiction under Section 33 C (2) of the I.D. Act rightly held that the claim put-forth by the petitioner was liable to be dismissed.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

January 07, 2016
mahavir