

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

212

**CWP-9252-2013 (O&M)
Date of decision: 29.08.2016**

Amarjit Kaur

....Petitioner

Versus

Presiding Officer, Industrial Tribunal, Gurdaspur and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Manish Dadwal, Advocate for the petitioner.

Mr. Vivek Chauhan, Advocate for respondents No.2 and 3.

P.B. Bajanthri, J. (Oral)

The petitioner has assailed the Award dated 07.12.2012. The petitioner is stated to have been appointed on 01.11.2005 and her services were terminated on 31.10.2006. The respondents are disputing the date of appointment as well as date of termination. According to the respondents, the petitioner was appointed on 01.05.2006 and her services were terminated on 03.05.2006. In this back drop, learned counsel for the petitioner submitted that petitioner produced Ex.W2 (C.D.) before the Labour Court. The same has not been taken into consideration by the Labour Court as is evident from para 12. Since there are disputed facts relating to date of

appointment and date of termination, learned counsel for the petitioner submitted that perusal of the C.D. it is evident that the petitioner has worked during the period from November, 2005 to October, 2006. For non-examination or non-consideration of Ex. W2 (C.D.), the matter requires to be remanded to the Labour Court. The Award dated 07.12.2012 is set aside. The Labour Court is directed to examine Ex. W2 (C.D.) in the presence of both the parties and give a finding. Such exercise shall be done by the Labour Court within a period of 4 months from today.

Registry is directed to return the LCR to the concerned Labour Court immediately.

29.08.2016

pooja saini

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

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No