

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

LPA No.1173 of 2016 (O&M)

Date of Decision : 22.08.2016

Vijay Kumar

....Appellant

Versus

Presiding Officer and another

....Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN**

Present: Mr. R.K.Arya, Advocate
for the appellant.

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MAHESH GROVER, J.

This appeal is directed against the judgment of the learned
Single Judge dated 16.03.2016.

The appellant raised an industrial dispute questioning his
termination by serving a demand notice to contend that he was
appointed as Beldar with the respondent-management on 10.01.1993
and his services were wrongly terminated on 30.11.1993 without
compliance of Section of 25-F of the Industrial Disputes Act.

The respondent-management disputed the employment
altogether. The reference was declined and as a consequence thereto
CWP No.4987 of 2016 was preferred which was also dismissed on
16.03.2016 noticing that the appellant had failed to produce any
record of employment and salary received. He also failed to move an
application before the Tribunal to summon the relevant records from
the management. Finding it to be a case of no evidence the writ
petition was dismissed particularly noticing the fact that on an earlier

occasion the appellant had filed reference No.18 of 2002 before the Labour Court questioning his termination which for the reasons best known to the appellant was withdrawn by him on 29.01.2009. The appellant then again served a demand notice on 30.08.2010, after a lapse of 17 years from the date of his termination.

The appellant has not brought on record anything to justify the abrupt withdrawal from the proceedings before the Labour Court in 2009. Therefore, the second reference itself after having contested the earlier one for 7 years would not be maintainable.

No justification has been offered by the appellant at any stage of the proceedings as to why the earlier proceedings were withdrawn. Therefore, the learned Single Judge has rightly dismissed the writ petition.

We thus do not find any ground to interfere.

Dismissed.

(MAHESH GROVER)
JUDGE

22.08.2016
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No