

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Letters Patent Appeal No. 1229 of 2016 (O&M) in
CWP No. 10783 of 2012
Date of decision: 17.10.2016

Maya Devi

.. Appellant

v.

Presiding Officer and another

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Ashish Gupta, Advocate for the appellant.

...

Rajesh Bindal J.

The workman has challenged the order passed by the learned Single Judge by filing the present intra-court appeal, whereby the award of the Labour Court was upheld.

The appellant claimed that she was employed as Finishing Assistant in respondent No. 2-establishment on 6.11.1997 and worked continuously till 24.5.2000. On that day, her services were terminated in violation of the provisions of the Industrial Disputes Act, 1947. Demand notice was got issued on 30.5.2000. The matter was referred to the Labour Court, where the reference has been answered against the appellant. In fact, the management used to take signatures on blank papers, which have been mis-used. The appellant produced document mark PW1/1, showing

payment of over-time to her on 14.11.1997. This clearly established that she was in service in the year 1997. If the appellant resigned from the job on 29.5.2000, there was no question of getting the demand notice issued on 30.5.2000. Learned counsel further submitted that the application was filed by the workman for summoning of record from the management, however, the same was not produced.

After hearing learned counsel for the appellant, we do not find any error in the order passed by the learned Single Judge. There is no documentary evidence produced on record by the appellant to show that she was employed with the respondent-establishment in November, 1997, except one over-time payment for 14.11.1997, which was also not exhibited but a marked document. There is nothing else produced on record to show that thereafter the appellant was ever in service with the respondent-establishment. As against that, the management had produced appointment letter of the appellant dated 1.4.2000 on record as Ex. M8. It contains signatures of the appellant. Further, the resignation letter of the appellant dated 29.5.2000 has also been proved on record as Ex. M4, which was accepted by the management. The appellant admitted her signatures on the resignation letter. The documentary evidence produced on record establishes that the appellant was merely engaged in April, 2000 and she resigned from job in May, 2000. The application for summoning of record from the management was filed by the appellant in the year 2008, though the reference was received in the court in the year 2002 and was pending for evidence of the workman for six long years. The stand of the management was that the record could not be produced for the reason that it had been burnt.

Keeping in view the aforesaid facts, we do not find any error in the order passed by the learned Single Judge. Accordingly, the appeal is dismissed. Consequently, the application for condonation of delay is also dismissed.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

17.10.2016
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No