

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

LPA No.1464 of 2016 (O&M)

Date of Decision : 12.08.2016

The Maluka Khurd Cooperative
Agriculture Service Society Ltd.

....Appellant

Versus

The Presiding Officer, Industrial Tribunal,
Bathinda and others

....Respondents

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

Present: Mr. Jasmeet Singh Ghumman, Advocate
for the appellants.

.....

MAHESH GROVER, J.

This appeal is directed against the judgment of the learned Single Judge dated 09.07.2015 where the present appellant had questioned the award of the Labour Court answering the reference in favour of the workman to hold the termination of his services to be bad in the eyes of law.

Learned counsel for the appellant contends that inquiry was duly conducted and it was in the knowledge of the workman.

We find that this inquiry report has not been produced before the Labour Court and thus quality evidence was withheld by the appellant themselves. Learned Single Judge noticing the aforesaid and the fact of the management's witness stating about the innocence of the workman in at least one inquiry held the award to be perfectly justified and we thus do not see any reason to differ with the findings recorded by the the learned Single Judge when nothing adverse to the

workman has been shown to us. That apart, the appeal is barred by a delay of 366 days which has been attributed to lack of communication between the appellant and the counsel. We may observe here that all the judgments are uploaded on the internet instantaneously and it would be erroneous to presume that the appellant would have no knowledge of the proceedings against them particularly when they themselves were the writ petitioner before this Court. Citing lack of communication between the counsel and the litigant simplicitor is not a good ground for condonation of delay unless backed by some material.

Dismissed on merits as well as on the ground of delay.

(MAHESH GROVER)
JUDGE

12.08.2016
dss

(SHEKHER DHAWAN)
JUDGE

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