

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

LPA No.2189 of 2016 (O&M)

Date of Decision : 30.11.2016

Municipal Corporation, Faridabad

....Appellant

Versus

Presiding Officer and another

....Respondents

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

Present: Mr. D.S.Nalwa, Advocate
for the appellant.

MAHESH GROVER, J.

This appeal is directed against the judgment of the learned
Single Judge dated 08.12.2015.

The Municipal Corporation, Faridabad, against whom the
award materialised through findings of the Labour Court and affirmed
by the writ court, questioned the judgment on the ground that the
workman failed to establish that he was a part of the list of 117
workers with whom a settlement had been arrived at. It is contended
that the only witness examined by the workman was an erstwhile
employee of the Municipal Corporation sans authorisation to make a
statement. It is thus contended that the list largely remain unproved
and consequently the workman could not claim any benefit from the
settlement. It is next contended that both the Labour Court and the
learned Single Judge have gone wrong in ignoring this fact despite
the fact that cross-examination of the said witness clearly established
that he was not authorised to make such a statement. That apart, it was

contended that the workman was engaged in the Ballabgarh zone which is no longer a part of the Municipal Corporation, Faridabad making the implementation of the award by the Municipal Corporation Faridabad difficult.

We have heard the learned counsel for the appellant and are of the opinion that the learned Single Judge examined the documents pertaining to 117 workers to establish its veracity and having done so arrived at a finding of fact about the workman being a part of 117 workers qua whom the settlement had been arrived at. In this eventuality, when the findings of the Labour Court on facts have been affirmed, we in LPA would not like to interfere with such finding of fact recorded by the learned Single Judge as we do not find any error or illegality in them and thus decline interference in the instant appeal which is barred by a delay of 35 days. However, delay of 200 days in re-filing is condoned. The argument that workman was an employee of Ballabgarh area would be inconsequential considering that at the time of settlement the said area was a part of Faridabad Municipal Corporation.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

30.11.2016
dss

(SHEKHER DHAWAN)
JUDGE

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