

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

**LPA No.372 of 2016 (O&M)**

Date of decision: April 22, 2016

Harbans Lal

----Appellant

Versus

Presiding Officer, Industrial Tribunal and  
Labour Court, UT, Chandigarh and others

----Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal  
Hon'ble Mr. Justice Harinder Singh Sidhu**

**Present:** Mr.R.C.Sharma, Advocate for the appellant.

**HARINDER SINGH SIDHU, J.**

This intra-Court appeal under Clause X of the Letters Patent has been filed against the order dated 30.11.2015 of the learned Single Judge, whereby, CWP No.24804 of 2015 filed by the appellant challenging the order of the Industrial Tribunal & Labour Court, Union Territory, Chandigarh, (for short 'the Tribunal') dismissing his application under Section 33-C(2) of the Industrial Disputes Act, 1947 (for short 'the Act') was dismissed. Along with the appeal, the application seeking condonation of delay of 9 days in filing the appeal has also been filed.

The appellant retired from the post of Establishment & Accounts Officer, Central Government, Survey of India on 31.3.2001. Thereafter he was appointed on contract basis in Dr. Ambedkar Institute of Hotel Management, Chandigarh on 3.9.2002 and continued working till 31.1.2008 when he went abroad. On return, he again joined the Institute w.e.f. 1.1.2009 and continued working till 1.7.2011. On 1.7.2011, he applied for 43 days earned leave from 1.7.2011 to 12.8.2011. He submitted another application dated 13.8.2011 for extension of earned leave for 32 days from 13.8.2011 to 13.9.2011. This was followed by another application dated 14.9.2011 for grant of half pay leave from 14.9.2011 to 2.11.2011.

Claiming that he was entitled for the leave salary in terms of the Central Civil Services (Leave) Rules, 1972, he represented to the respondents for giving him the salary. When the representation bore no fruit, he filed application under Section 33-C(2) of the Act claiming salary for 75 days leave period and 50 days half pay leave.

The Ld. Tribunal vide its order dated 17.11.2014 rejected the application. It was held that the question of entitlement for wages for the leave period would arise only if he was able to prove that he worked with the Institute after 30.6.2011. As the Institute had claimed that no extension in service was granted after 30.6.2011 and the appellant had not placed on record any document to show that his contractual appointment was extended after 30.6.2011, his claim was rejected.

The Learned Single Judge dismissed the writ petition and affirmed the order of the Tribunal as the appellant had not been able to prove his entitlement because there was nothing on record to show that the contract of service of the appellant was extended after 30.6.2011. Otherwise also the appellant was engaged by Dr. Ambedkar Institute of Hotel Management, Chandigarh after his superannuation from service with Government of India.

In view of the aforesaid factual position, we find no infirmity in the impugned order. Accordingly, the appeal is dismissed. Consequently, the application for condonation of delay in filing the appeal is also dismissed.

**(RAJESH BINDAL)**  
**JUDGE**

**(HARINDER SINGH SIDHU)**  
**JUDGE**

**April 22, 2016**  
Atul