

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

1) LPA No.645 of 2016 (O&M)

The Divisional Forest Officer Kaithal and another
.....Appellants
Versus

Raja Ram and another
.....Respondents

2) LPA No.668 of 2016 (O&M)

The District Forest Officer Kaithal and another
.....Appellants
Versus

Satyawan and others
.....Respondents

Date of Decision :07.11.2016

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

....

Present: Mr. Gagandeep S.Wasu, Addl.Advocate General, Haryana.

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MAHESH GROVER, J.

By this order we will dispose of two Letters Patent Appeals which are directed against the judgment of the learned Single Judge dated 02.07.2015 on identical facts and raising similar question of law.

The workmen raised industrial disputes and references emanating therefrom were received by the Labour Court for adjudication on 12.07.2012. This date assumes significance for the reasons which we propose to record to answer the controversy. The demand was raised in the case of Raja Ram on 13.05.2009 and in the case of Satyawan on 16.03.2012 pleading that their services had been

terminated without compliance of the provisions of Section 25-F of the Industrial Disputes Act, 1947 which was controverted by the appellants to raise allegation of abandonment of service by the workmen.

During the course of proceedings before the Labour Court, the workmen made attempt to summon the record but the management did not produce the same. The learned Single Judge has noticed this fact that an affidavit was filed by Vijay Laxmi, Divisional Forest Officer, Kaithal stating therein that Subhash Chand, Forester was directed to produce the record available with the department which reflected the seniority list circulated by the Divisional Forest Officer but no record to that effect was produced. The appellants had also denied the relationship of employer and the employee. These two in our opinion are contradictory pleas. If the employment is disputed altogether by the appellant there is no question of raising the plea of abandonment. Therefore, the entire pleas of the employer stems from dishonesty which is further fortified when we evaluate the solitary plea raised before us. It has been contended by the learned counsel for the appellants that they were prevented from producing the record before the Labour Court since it had been weeded out on 01.06.2012 under the general instructions issued by the State Government.

By raising this plea the appellants conceded that the record was not produced but offered an excuse for the same that it stood weeded out on 01.06.2012.

We also find this plea to be seeped in dishonesty for when

they were alive to the demand, notices issued by the workmen, and impending proceedings there was no occasion for them to weed out the record in question.

Evidently this is a ploy raised by the appellants to tide over the deficiency of evidence incurred by them during the proceedings before the Labour Court.

The learned Single Judge has upheld the award of the Tribunal and we do not find any illegality committed by him to warrant interference in the appeals which are also barred by delay which is largely unexplained which we do not intend to condone for lack of sufficient reasons.

Both the appeals are dismissed on delay as well as merit.

(MAHESH GROVER)
JUDGE

07.11.2016
dss

(SHEKHER DHAWAN)
JUDGE

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