

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

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**CWP-11325-2000 (O&M)
Date of decision:11.09.2017**

Chandigarh Administration through its Director Transport,
Industrial Area, Chandigarh

....Petitioner

Versus

Presiding Officer, Labour Court, UT, Chandigarh and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Krishan Jaspal, Law Officer, CTU, Chandigarh.

Ms. Mannat Anand, Advcoate for the respondents.

P.B. BAJANTHRI, J. (ORAL)

In the present writ petition, the petitioner has challenged the validity of award of the Labour Court dated 26.04.2000 (Annexure P1).

The respondent was promoted as Asistant Painter on 27.04.1989 on *ad hoc* basis with a rider that among others petitioner would not claim any seniority and till finalization of the departmental inquiry which was pending against him. On 19.06.1995, enquiry pending against respondent-workman Bhupinder Singh was finalized by imposing penalty of stoppage of 2 increments with cumulative effect and period from 15.11.1993 to 12.12.1993 was treated as leave without pay. Respondent-workman was facing another inquiry and it

was concluded in exoneration. In this back ground the petitioners have passed the order of reversion on 19.06.1995 with reference to the later inquiry wherein he has been exonerated. The labour court passed award in favour of the respondent-workman . Hence the present petition.

Learned counsel for the petitioner vehemently submitted that promotion of respondent-workman to the post of Assistant Painter was on ad hoc basis and it was subject to departmental inquiry. The respondents have not resorted to any action after imposition of penalty on 19.06.1995. On the contrary, the respondents acted on the decision of exoneration in an inquiry. That apart the respondent-workman has discharged the duties of the promotional post of Assistant Painter w.e.f. 27.04.1989 and promotion benefits have been extended to the respondent-workman. Therefore, the petitioners have not made out a case so as to interfere with the award passed by the Labour Court.

Accordingly, CWP stands dismissed.

(P.B.BAJANTHRI)
JUDGE

11.09.2017

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Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No