

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-14614-1997 (O&M)

Date of Decision:-25.10.2017.

Satbir Singh

.....Petitioner

Versus

Presiding Officer, Labour Court, Rohtak and another

.....Respondents

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

Present: Mr. Surinder Gandhi, Advocate for the petitioner.

Mr. Kulvir Narwal, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

Petitioner has challenged the award passed by the Labour Court dated 5.12.1996 (Annexure P-2).

Petitioner was appointed as a Helper on 8.10.1984 @ Rs.647/- per month. His services were terminated on 27.03.1987 for which he had issued a demand notice on 18.05.1987. The Labour Court passed award against the petitioner on the score that the petitioner has abandoned service. Hence, the present petition in challenging the award dated 5.12.1996.

Learned counsel for the petitioner submitted that reasons for petitioner's termination is on two counts, namely petitioner had misbehaved with the staff of the respondents and he had abandoned the service. For misbehavior with the staff of the respondents, respondents should have resorted for domestic inquiry. Without holding an inquiry, petitioner's

services have been terminated. Therefore, the Labour Court failed to appreciate that order of termination is with reference to the allegations relating to misbehavior of the petitioner with the staff of the respondents. Thus, Labour Court erred in passing award against the petitioner.

Per contra learned counsel for the respondents submitted that petitioner's conduct has been taken into consideration for the purpose of termination. Further it was contended that before Conciliation Officer, petitioner was given opportunity to report back to duty. The same was not utilized by the petitioner in reporting for duty. Therefore, petitioner had abandoned service. Hence, the Labour Court has rightly passed award in favour of the respondent-Management.

Heard learned counsel for the parties.

Perusal of the records it is evident that there were certain misdeeds committed by the petitioner to the extent of assaulting staff members of the respondent-Management. The reason behind termination of petitioner's service is with reference to misconduct and disobedience committed by the petitioner. No doubt, the respondents have shown keen interest in taking back the petitioner into service before the Conciliation Officer. At the same time, the respondent-Management should have resorted for holding a domestic inquiry having regard to the fact that the petitioner is alleged to have committed misconduct while discharging the duties of the post. Since the petitioner's services have been terminated on 26.3.1987 and he is out of service, therefore, question of reinstatement do not arise at this juncture. Even holding of inquiry is not fair at this stage. Therefore, award passed by the Labour is modified to the extent that the

by the concerned respondent within a period of 4 months from today. If the compensation is not paid within the stipulated period, in that event, petitioner is entitled to interest on compensation @ 6% per annum w.e.f. 25.10.2017.

With the above observations, petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

October 25, 2017.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.