

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

201

CWP-17302-1998 (O&M)

Date of decision: 11.12.2017

Christian Medical College and Hospital, Ludhiana and another

....Petitioners

Versus

Presiding Officer, Labour Court, Ludhiana and others

.... Respondents

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

Present: Mr. Rohit Ahuja, Advocate for the petitioners.

Mr. Sarwan Sehgal, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, petitioners have challenged the award passed by the labour court dated 05.09.2017 (Annexure P3) to the extent that respondent-workman has been extended the benefit of 50% wages from the date of demand notice i.e. 11.08.1992. Till his age of superannuation i.e. up to 04.07.1996 the entire case of the petitioners is that respondent-workman was appointed on contract basis for a period of one year through appointment agreement (Annexure P1). In terms of the agreement read with regulation action of the petitioners in removing the respondent-workman are in order. The labour court has erred in granting

relief to the respondent-workman to the extent of granting 50% back wages which is contrary to the order of appointment read with regulation. Hence labour court award is liable to be set aside.

2. Per contra, learned counsel for the respondent-workman pointed out that Annexure-P1 order of appointment (Appointment agreement) is not one of the document which has been taken note of by the Labour Court so also petitioners failed to produce and relied on the said document before the labour court to that extent he has taken a preliminary objection in the written statement. Petitioners have not filed their rejoinder to the preliminary objection. Therefore, it is admitted fact that Annexure P1 cannot be relied on. Consequently effect of Annexure P1 cannot be taken into consideration for the purpose of examining award passed by the labour court.

3. Heard learned counsel for the parties.

4. Petitioners in challenging the award passed by the labour court relied on appointment agreement (Annexure P1) read with regulations of petitioners. Both Annexure P1 (Order of appointment) as well as regulation were not part and parcel of the labour court records. Petitioners have failed to place the same before the labour court and for the first time they are producing and relying on both Annexure P1 as well as regulation. Same is being objected by the respondents in his preliminary objection to the written statement. The same has not been countered by filing rejoinder. In view of these facts and circumstances, it is evident that Annexure P1 is not a document which has been taken note of by the Labour court. Having regard

to these facts and circumstances, petitioners have not made out a case so as to interfere with the labour court award dated 05.09.1997 (Annexure P-3). Accordingly, CWP stands dismissed.

11.12.2017
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons	Yes/No
Whether Reportable:	Yes/No