

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4482 of 1996

Date of Decision: 09.03.2017

Surat Singh

... Petitioner

Versus

The Presiding Officer, Labour Court,
UT Chandigarh and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. H.S. Baath, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

1. The petitioner has been out of service since 1987. His case was one of the many references made by the appropriate Government to the Presiding Officer, Labour Court, UT, Chandigarh for adjudication of the dispute involving employees of Hotel President, Chandigarh. In fact there were 12 references. The Labour Court in each of the cases held that the reference itself was not maintainable since the services of workers had not been terminated and there was no dispute which could have been referred by the appropriate Government. As a natural consequence of this conclusion arrived at, the Labour Court reasoned that the workers could still approach the management to take them back on duty which the management could accept as and when workers report at the Hotel and the management would be at liberty to deal with the individual cases as regards the absence of each worker and according to law.

2. This position obtaining from the operative directions of the labour court in the impugned award would be end of the matter. Any supervening event would constitute an independent cause of action and if there are disputes arising thereafter they would have to be raised afresh with the management.

3. Therefore, I find no reason to upset or vary the impugned award dated December 16, 1994. Eleven of the workmen accepted this position and have not approached this Court against similar awards passed in their cases and after 30 years it would be neither prudent nor practical or equitable to consider grant of relief of reinstatement etc.

4. Accordingly, the petition fails as one without any life remaining and is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

09.03.2017

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Whether speaking/reasoned *Yes*

Whether reportable *No*