

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

CWP-19772-1998 (O&M)

Decided on: 27.07.2017

Bawa Singh

.... Petitioner

Versus

The Presiding Officer and others

..... Respondents

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

Present: Mr. K.L. Arora, Advocate,
for the petitioner.

Mr. S.S. Bedi, Advocate,
for respondents No.2 and 3.

P.B. BAJANTHRI, J (ORAL)

In the present writ petition, petitioner has questioned the validity of Award passed by the Labour Court, Jalandhar dated 01.04.1997. The petitioner's husband-Bawa Singh is stated to have been appointed as a work charge employee on 23.05.1985 for limited period and from time to time appointment order was issued extending the petitioner's services as a work charge employee, sometimes as a Munshi. The respondent-Punjab State Warehousing Corporation were into constructions of building. It seems that petitioner's husband and others' services were engaged in connection with the execution of the construction work/project. The respondents abruptly issued a notice of termination on 15.12.1987 (Annexure P-3) to 48 similarly situated persons like petitioner's husband, which was the subject matter of CWP No.8723 of 1988. This Hon'ble Court granted interim order staying the operation of the notice of termination and it was decided on 23.09.1992 to the extent permitting withdrawal of the writ

petition while reserving liberty to the petitioner's husband to approach the Labour Court. After disposal of the writ petition, respondents proceeded to terminate the services of 22 persons including the petitioner's husband on 26.11.1992. 22 persons approached various Labour Courts in different districts with reference to their place of working. Almost all Labour Court allowed the reference in favour of the workman except the petitioner's husband herein. On 01.04.1997, Labour Court passed award against the workman-Bawa Singh. Bawa Singh died on 19.08.1997. Consequently, legal heirs of deceased-Bawa Singh, i.e., petitioner herein, filed the present writ petition.

Learned counsel for petitioner submitted that in respect of other persons, Labour Court passed award in favour of the workman. In some of the cases, respondents did not exercise their jurisdiction to file a writ petition. Only in one case, namely, Kanwar Pal Singh, writ petition was filed which was registered as CWP No.14646 of 1996. The respondents suffered an order on 19.09.1996. Thereafter, respondents preferred a petition before Hon'ble the Supreme Court which was also dismissed vide order dated 03.03.1997. It was further contended that Chairman of the respondents directed the Managing Director-Punjab Warehousing Corporation to reinstate one Shri Harbans Singh, who was similarly situated persons like Anju Gupta and others. In his communication various decisions of the Court so also implementation of the award passed by the Labour Court by the respondents has been taken note of while directing for reinstatement of the one Shri Harbans Singh. The same was implemented by passing an order on 30.08.1999 as is evident from Annexures A1 and A2 to CM Nos.8500-01 of 2005 in the present writ petition. In view of these

facts and circumstances, learned counsel for the petitioner submitted that Labour Court award is liable to be set aside.

Per contra, learned counsel for the respondents No.2 and 3 vehemently contended that petitioner was not appointed on permanent basis. He was appointed on work charge basis as is evident from the recording of the award. It was also submitted that deceased-Bawa Singh was terminated and a settlement has been made for issuing cheque. Thus, there is no infirmity in the Labour Court award. The cited decisions by counsel for the petitioner is distinguishable with reference to the facts of the present case. Hence, petitioner has not made out a case so as to interfere with the Labour Court Award dated 01.04.1997.

Heard learned counsel for the parties.

It is undisputed that petitioner's husband Late Bawa Singh and others' services were proposed to be terminated on 15.12.1987. This Court was pleased to grant interim order. By virtue of interim order petitioner's husband continued from 1988 to 26.11.1992. Having regard to the fact that services of 22 persons were terminated, the workmen approached various Labour Courts with reference to the territorial jurisdiction of the Industrial Tribunal. Deceased Bawa Singh approached Jalandhar Labour Court, rest of them approached different Labour Courts other than Jalandhar Court. Rest of the workmen got favourable order from the Labour Court. In this regard, the respondents filed a writ petition only in respect of Kanwar Pal Singh and suffered an order before this Court as well as before Supreme Court. Thereafter, in the year 1999, Managing Director on the direction of the Chairman of the respondent-Corporation had reinstated 5 workmen, who were similarly situated like deceased Bawa Singh on 30.08.1999.

In view of these factual aspects, Labour Court award dated 01.04.1997 is hereby set aside. The respondents are directed to work out the arrears to be paid to the deceased-Bawa Singh and disbursed to the legal heirs-petitioner within a period of 4 months from today. The petitioner is also entitled to interest @ 6% per annum on all arrears benefits from the date of Labour Court award.

CWP stands allowed.

(P.B. BAJANTHRI)
JUDGE

27.07.2017
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No