

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

CWP No.11024 of 2013

Date of Decision:21.09.2017

Nirpinder Singh

... Petitioner

Vs.

Industrial Tribunal, Bathinda and others

... Respondents

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

Present : Ms. Sukhmani Tiwana, Advocate for the petitioner.

Mr. B.S. Sewak, Addl. A.G. Punjab.

Mr. G.S. Bhatia, Advocate for respondents No.3 and 4.

P.B. BAJANTHRI J. (Oral)

The petitioner has challenged the validity of award dated 21.12.2011 (Annexure P-8).

Petitioner was stated to have been appointed by the Deputy Commissioner, Sri Muktsar as a clerk-cum-Cashier. On 2.6.1997, amongst the petitioner services were deputed to respondent No.3-the Branch Manager Faridkot through second respondent for a period of one year and it was extended for another year in the year 1998. Thereafter, there is no extension. Consequently, 3rd respondent-Bank relieved the petitioner on 17.4.1999. Similar was the fate of the other persons whose services have been drafted to the respondent-Bank. After relieving from 3rd respondent-Bank on 17.4.1999, petitioner has not approached the Deputy Commissioner. To that extent, there is no material. Faced with these factual aspects, petitioner raised dispute. Labour Court proceeded to pass award against the petitioner. Hence, the present petition.

Learned counsel for the petitioner submitted that after relieving from respondent-Bank on 17.4.1999, he had approached the Deputy

Commissioner seeking for posting order. Posting order was not given. Consequently, petitioner has raised industrial dispute while issuing demand notice on 18.5.1999. It was further submitted that similarly situated persons who had approached the Labour Court, in those cases, Deputy Commissioner has taken back them into service. Whereas the petitioner has been singled out. Thus, the Labour Court has erred in holding that the petitioner is not entitled for relief sought in the reference.

Per contra, learned counsel for respondents No.3 and 4 as well as on behalf of Deputy Commissioner submitted that as and when petitioner was relieved from service on 17.4.1999, he has not reported before the Deputy Commissioner seeking for posting. Thus, no material has been placed on record.

Question of discrimination between Kamal Mukand (Annexure P-7) is concerned, no similarity has been brought on record to the extent that whether Kamal Mukand had approached the Deputy Commissioner on what date and material. Moreover, in the present petition, petitioner has not produced any document to show that he had approached Deputy Commissioner to seek posting order after relieving from deputation on 17.4.1999.

In view of these facts and circumstances, petitioner has not made out a case so as to interfere with the impugned award.

Accordingly, petition stands dismissed.

21.09.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**