

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208

CWP No.13050 of 2013 (O&M)

Date of decision: December 06, 2017

Municipal Corporation Faridabad

.....Petitioner

Versus

Presiding Officer and another

.....Respondents

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

Present: Mr. Jasbir Mor, Advocate
for the petitioner.

Mr. M.S. Rana, Advocate for respondent No.2.

P.B. BAJANTHRI, J (Oral)

In the instant petition, petitioner has challenged the award dated 31.10.2012 (Annexure P-7), passed by the Labour Court.

Brief facts of the case are that the respondent-workman was appointed as a daily wager on 18.11.1993. He left his job on 28.07.1994. For the first time he has raised demand notice in the month of May 2000. Labour Court passed award in his favour while extending the benefit of reinstatement with back wages on 15.05.2000. For the purpose of implementation of the award dated 15.05.2000, necessary efforts have been made by the petitioner-Corporation while sending number of communications including notifying in a newspaper on 13.07.2002.

In view of these facts and circumstances, respondent-workman has not responded to join the petitioner-Corporation. The

petitioner-Corporation is fair enough to hold an enquiry for remaining absent from the date of award, otherwise they should have treated the respondent-workman had abandoned the service. After holding enquiry, petitioner-Corporation have terminated the services of the respondent-workman on 03.11.2004. In this background, respondent filed an application under Section 33(C) and got the relief of wages for the period from 28.07.1994 to 31.05.2002. Petitioner is aggrieved by the award passed by the Labour Court under Section 33(C) and preferred a writ petition and suffered order in the month of October 2009. Consequently, wages awarded by the Labour Court has been implemented on 28.01.2010. In this background, respondent had sought for wages for the period 01.06.2002 to 28.02.2010 before the Labour Court and award was passed in his favour. Thus petitioner is aggrieved.

Having regard to the conduct of the respondent like he has taken six years to rise a demand notice between May 1994 to 2000, he failed to report for duty pursuant to the award passed by the Labour Court dated 15.05.2000. Further, he has not participated in the enquiry proceedings initiated in the year 2003 and he has not challenged the order of termination dated 03.11.2004. In view of these facts and circumstances, Labour Court erred in extending the benefit of wages for the period from 01.06.2000 to 28.02.2010. Respondent has failed to report for duty pursuant to the Labour Court award dated 15.05.2000 and so also not questioned the validity of order of

termination dated 03.11.2004. These issue were not taken note of by the Labour Court while allowing the application of the respondent.

Accordingly, Labour Court order dated 31.10.2012 is set aside.

Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

December 06, 2017
anju rani

Whether speaking/ reasoned: Yes
Whether Reportable: No