

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

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**CWP-12781-2015 (O&M)
Date of decision:31.10.2017**

The Executive Engineer, Provincial Division, PWD, B&R Branch, Jhajjar.

....Petitioner

Versus

Jagdish and another

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Siddharth Sanwaria, Advocate for the petitioner.

Mr. Piyush Aggarwal, Advocate for the respondents.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, petitioner has challenged the award passed by the Labour court dated 12.01.2015 (Annexure P1). The respondent No.1 is stated to have been appointed as a Chowkidar on 01.12.1988. His services were terminated on 30.03.2003. The respondent raised demand notice on 31.01.2006. The labour court proceeded to pass award in favour of the respondent on the score that the petitioner failed to produce any material to show that there is compliance to Section 25F of the Industrial Disputes Act. Thus, labour court has drawn inference to the extent that there is violation of Section 25F of the Industrial Disputes Act. Petitioners aggrieved by the award passed by the labour court, presented this petition.

Learned counsel for the petitioner submitted that labour court has proceeded to draw inference that there is violation of Section 25F of the Industrial Disputes Act. Except muster roll other records are available to show

that respondent has not discharged the duties of the post. On 29.08.2017 following order was passed:-

“Learned counsel for the petitioner disputed the service of the respondent-workman from October 1992 to 30.03.2003 stating that he has not worked in the office of the Provincial Division, PWD B&R Branch, Jhajjar. The Executive Engineer of the Provincial Division, Jhajjar is hereby directed to produce the complete records relating to attendance register maintained by the office so also payments made to the respondent-workman, if any, between November 1992 to March 2003. He is also directed to furnish the details of the other co-workers, if any, who are working with the respondent-workman. List this matter on 6.10.2017.”

Since the petitioner has not complied the order dated 29.08.2017 therefore, no interference is called for.

Accordingly, award passed by the labour court dated 12.01.2015 (Annexure P1) is upheld. CWP stands dismissed.

31.10.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons: Yes/No

Whether Reportable: Yes/No