

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-15150-2014 (O&M)

Date of Decision:-28.11.2017.

Malkiat Singh

.....Petitioner

Versus

Union of India and others

.....Respondents

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

Present: Ms. Saloni Sharma, Advocate for the petitioner.

Mr. Pawan Kumar Longia, Sr. Panel counsel for
respondent No.1-UOI.

None for respondent Nos.2 to 4.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has challenged the validity of order dated 6.3.2014 (Annexure P-4).

The petitioner is stated to have been appointed as a Lineman in the month of September, 1998 and his services have been dispensed in the month of March, 2010. Thus, a demand notice was raised on 14.12.2010. The Ministry of Labour and Employment declined to grant reference on 6.3.2014 vide Annexure P-4, which is under challenge in the present petition.

Learned counsel for the petitioner submitted that petitioner has discharged the duties of the post of Lineman. To that effect if the reference

is made by the competent authority he is in a position to apprise the Labour Court by adducing evidence. In the absence of material evidence rejection of reference by the competent authority dated 6.3.2014 is liable to be set aside.

Per contra learned counsel for the respondent submitted that there is no infirmity in the order dated 6.3.2014 while rejecting the petitioner's application for reference. The petitioner has not produced any material to show that he was appointed as a Lineman. On the other hand, respondents have apprised the competent authority for the purpose of reference that petitioner was appointed on contract basis and his name was not reflected in the muster roll. Thus, the petitioner has not made out a case to the extent that he was appointed as a Lineman during the period from 1998 to March, 2010. Hence, no interference is called for .

Heard learned counsel for the parties.

Perusal of Annexure P-4 and the reasons stated therein, it is evident that petitioner was appointed on contract basis. Therefore, rightly competent authority has rejected the claim of the petitioner for the purpose of reference to the Labour Court in respect of dispute of discontinuing the petitioner's services by the respondents. Accordingly, petitioner has not made out a case.

CWP stands dismissed.

(P.B. BAJANTHRI)
JUDGE

November 28, 2017.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.