

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.6282 of 2011 (O&M)
Date of Decision:-01.08.2017.

Abhilash Chander

.....Petitioner

Versus

Union of India and others

.....Respondents

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

Present: Mr. Inderjit Sharma, Advocate for the petitioner.

Mr. Abhilash Chander, Advocate for
Mr. Ajay Kumar Gupta, Advocate for
respondent No.1-UOI.

Mr. D.R. Sharma, Advocate for
respondent Nos.2 to 4.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has questioned the award passed by the Labour Court dated 17.10.2001 (Annexure P-4).

The petitioner is stated to have been appointed in the month of March, 1995 to May, 1995 for about 2 months. Thereafter, once again he was re-appointed in the month of December, 1995 and his services were continued till May, 1996. Petitioner raised an industrial dispute which was decided by the Labour Court on 17.10.2001 only on the ground that neither the petitioner nor his counsel was present while deciding the Reference by the Labour Court. Thus, the present petition.

Undisputedly, petitioner was appointed in the month of March, 1995 as a casual worker/Mazdoor and his services were continued upto May, 1995. Thereafter, in the month of December, 1995, once again petitioner was taken back to duty. Later on, once again his services were terminated in the month of May, 1996. Respondents in para 4 of the reply statement stated that petitioner has worked only from December, 1995 to May, 1996 to the extent of 155 days, whereas, they have filed their written statement before the Central Government Industrial Tribunal-cum-Labour Court in which they have stated that petitioner was initially appointed in the month of March, 1995 to till May, 1995. Thus, contradictory statement has been made by the respondents in respect of entry into service by the petitioner and so also termination in the first spell. Award dated 17.10.2011 is an *ex parte* award. Labour Court has not decided Reference on merit. Instead of remanding the matter to the Central Government Industrial Tribunal-cum-Labour Court to decide Reference afresh on merits, matter could be disposed of since petitioner is out of service from May, 1996. The respondents are hereby directed to pay compensation of ₹ 30,000/- to the petitioner along with interest @ 8% per annum from the date of award.

Accordingly, petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

August 01, 2017.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.