

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

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**CWP-16406-2017 (O&M)
Date of decision: 27.07.2017**

Raj Pal Singh

....Petitioner

Versus

Presiding Officer, Industrial Tribunal Gurdaspur and others

.... Respondents

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

Present: Mr. Manish Dadwal, Advocate for the petitioner.

P.B. Bajanthri, J. (Oral)

In the present petition, petitioner has questioned the award passed by the Industrial Tribunal dated 25.04.2017 (Annexure P10). Labour Court after perusal of the records has given finding that petitioner's appointment as a Beldar was for a particular period from 01.08.2006 to 30.09.2006. It was also recorded that his appointment was not with due process of recruitment and it is not in accordance with law etc. and also made an observation that petitioner was appointed at the behest of some Minister.

In view of these facts and circumstances read with paras 17 and 18 of the award, the petitioner has not made out a case so as to interfere with the Award passed by the Labour Court dated 25.04.2017.

Accordingly, petition stands dismissed.

At this stage, learned counsel for the petitioner submitted that he has been issued identity card by the Irrigation Department, State of Punjab up to May, 2010. Perusal of the identity card it is evident that it is not a valid document for the reasons that Sub-Division Officer who has issued identity card has not assigned the date while issuing the identity card.

Unless date is mentioned one cannot draw inference that identity card is for which period and valid up to May, 2010. Accordingly, contention of the petitioner that identity card is required to be taken into consideration for the purpose of deciding the present petition is hereby rejected.

Further learned counsel for the petitioner vehemently argued that persons who are appointed subsequent to the petitioner by same method they have been continued. Thus, there is violation of Section 25 and other clauses of the Industrial Disputes Act, 1947. Petitioner cannot take shelter under illegal act. In other words, illegality cannot be perpetuated. Labour court appreciated the fact that petitioner's initial appointment itself is contrary to rules of recruitment and it is only for a limited period. Therefore, the contention of the petitioner that some of the persons who were appointed subsequent to the petitioner and their appointment cannot be taken into consideration for the reasons that their appointment was also illegal and not subject matter of the present litigation. Therefore, the above contentions of the petitioner are hereby rejected.

27.07.2017

pooja saini

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

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No