

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CWP No. 20814 of 2016(O&M)
Date of Decision: 11.01.2017**

Punjab Gramin Bank

...Petitioner

Vs.

The Presiding Officer, Industrial Tribunal & another

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present:- Mr. Bhushan Bhatia, Advocate
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

No ground for interference is made out in the award of the learned labour court in absence of legal error or fundamental flaw of reasoning. The argument that there is no post of a part time Sweeper in the Bank is not an argument which can be accepted as a bald statement of law and fact. The law in the Industrial Disputes Act, 1947 does not require as a postulate existence of a cadre or sanctioned post for award of relief of reinstatement and monetary relief. The learned labour court has found the termination illegal for violation of the mandatory provisions of Section 25F of the Act. Indisputably the period of service is about 7 years in the Bank and the labour court has not awarded any regularization or permanency to the respondent part time Sweeper who has only reinstated her to the original position she held by setting aside the retrenchment as illegal and void after appreciating the evidence brought on record. The discretion exercised of the labour court judiciously in granting relief is not open to review or criticism

in supervisory proceedings under Article 226 of the Constitution of India.

Heard. No merit. Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

11.01.2017
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>