

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

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**CWP-24706-2014 (O&M)
Date of decision:31.07.2017**

Hawa Singh

....Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court, Hissar and
others

.... Respondents

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

Present: Mr. R.S.Sangwan, Advocate for the petitioner.

Mr. J.S.Bedi, AAG, Haryana.

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, petitioner has assailed award passed by the Labour court dated 21.10.2013 (Annexure P1). Petitioner is stated to have been appointed as a Pump Operator on daily wage basis on 01.08.1997. His services were stated to have been dispensed on 30.09.2006. Industrial Tribunal-cum-Labour court proceeded to pass award of compensation of Rs.1 Lac instead of reinstatement and consequential benefits. Thus, the present petition.

Learned counsel for the petitioner submitted that petitioner has served for about 9 years in the respondent department so he is entitled for reinstatement and consequential benefits. Perusal of the award it is evident that except affidavit, no documentary evidence has been taken note of so as

to come to the conclusion that there is non-compliance of Section 25F of the Act and proceeded to pass compensation award to the extent of Rs.1 Lac. No document and oral evidence of respondent is taken into consideration to hold that there is violation of Section 25F of Industrial Disputes Act, 1947. Learned counsel for the petitioner submitted that number of documents furnished on record before the Labour Court. The same has not been referred. Petitioner has rendered service from 1997 to 2006. Therefore, he is entitled for relief sought in the present petition. In the absence of appreciation of documents which were stated to have been placed before the Labour Court, in respect of rendering service by the petitioner from 01.08.1997 to 30.09.2006 and merely relying on affidavit of the petitioner the award has been issued arbitrarily . Therefore, award dated 21.10.2013 is hereby set aside and reference is remanded to Industrial Tribunal-cum-Labour Court, Hisar to decide the reference afresh within a period of 6 months. Both the respondents and petitioner are permitted to adduce additional evidence if any before the Labour Court.

31.07.2017

pooja saini

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

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No