

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-27866-2013 (O&M)

Date of Decision:-18.09.2017.

Joginder Singh

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal, Bathinda and others

.....Respondents

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

Present: Mr. R.D. Bawa, Advocate for the petitioner.

Mr. Sandeep Jasuja, Advocate for respondent Nos.2 and 3.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has challenged the validity of award dated 7.11.2013 (Annexure P-1).

Petitioner is stated to have worked with the respondent from 04.05.2001 to 10.11.2008. On 11.11.2008, petitioner raised a demand notice for which the respondents have filed their reply. Thereafter, Reference was made to the Labour Court. Before the Labour Court, respondents have shown their interest to take back the petitioner to duty without back wages. The Labour Court proceeded to pass award against the petitioner with reference to the admission of the petitioner that “*owners did not remove me and I left my own. It is incorrect that I have worked with the owners up to 09.11.2008.*”

has recorded the petitioner's cross-examination contrary to the factual aspect which was raised from the date of demand notice dated 11.11.2008 to the extent that petitioner has been removed from service. Thus, the Labour Court has erred in recording the petitioner's cross-examination. Therefore, recording such adverse statement against the petitioner cannot be taken into consideration. The petitioner as long as he has failed to file a miscellaneous application before the Labour Court for recalling the record of evidence in particularly cross-examination by Sh. C.D. Arora authorized representative for respondent on 4.9.2012 wherein the petitioner has admitted to the extent that "*owners did not remove me and I left my own.*" Further such recording has been taken into consideration by the Labour Court while passing the award against the petitioner. Even in the present petition, petitioner has not challenged the correctness of the recording of cross-examination dated 04.09.2012. Instead of remanding the matter to the Labour Court, matter could be disposed off since petitioner is out of service since 10.11.2008. In view of these facts, petitioner is not entitled for reinstatement with continuity of service. For having served from the year 2001 to 2008, at the best, petitioner is entitled to compensation. Respondents are hereby directed to pay compensation of ₹ 3,00,000/- to the petitioner within a period of 3 months from today.

Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

September 18, 2017.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.