

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.26374 of 2014

Date of Decision:-11.07.2017.

Kulwant Singh

.....Petitioner

Versus

Industrial Tribunal, Patiala through its Presiding Officer and others

.....Respondents

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

Present: Ms. Sukhmani Patwalia, Advocate for
Mr. Vikas Singh, Advocate for the petitioner.

Mr. B.S. Sewak, Additional A.G. Punjab.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has assailed the award dated 27.8.2014 (Annexure P-5). Petitioner is stated to have worked as a daily wager in the year 1993 to 1995. While he was in service, it is evident that he remained absent for some period like 10.2.1993 to 15.7.1993. After terminating his service in the year 1995, reference was made in the year 1999 and it was withdrawn on 16.4.2008. Thereafter, fresh demand notice was issued on 8.7.2008. Then reference was made in the year 2009. Undisputedly, petitioner was a daily wager and has worked for about 2 years. During the period of 2 years, he remained absent for few days as is evident from the record. Petitioner's services were terminated in the year 1995. Therefore, the question of reinstating and awarding back wages in

the year 2009 with reference to Reference No.222 of 2009 do not arise. Having regard to the fact that petitioner remained unauthorized absent while he was in service, was not alert in pursuing the termination order within a reasonable period. Thus, there is no infirmity in the award passed by the Labour Court to the extent of granting compensation of ₹ 25,000/- instead of reinstatement with back wages. Hence, no interference is called for in respect of award dated 27.8.2014 (Anneuxre P-5).

Petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

July 11, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.