

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

CWP No.21832 of 2017

Date of Decision:25.09.2017

The Rohtak Central Co-operative Bank, Rohtak through its General
Manager ... Petitioner

Vs.

Mohinder Singh and another ... Respondents

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

Present : Mr. Sachin Gupta Ladwa, Advocate for the petitioner.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the validity of the order dated 2.5.2017 (Annexure P-7) read with order dated 9.2.1993 (Annexure P-4).

Petitioner had cause of action insofar as challenge to order dated 9.2.1993 in the year 1993. Moreover, this Court in CWP No.2442 of 1994 set aside the award dated 4.10.1993 which is subsequent to the order dated 9.2.1993. Therefore, earlier orders passed by the Labour Court merge with the order dated 23.4.2009 passed in CWP No.2442 of 1994.

In view of these facts and circumstances, petitioner has not made out a case so as to challenge to the order dated 9.2.1993. Insofar as challenge to the award dated 2.5.2017 is concerned, Labour Court recorded the finding as under:

“After hearing both the sides and appreciating the entire evidence adduced in the case, I am of the considered opinion that the present petition deserves to be allowed. It is the admitted case of both the parties that the petitioner was appointed as Secretary with the respondent in the year 1976

and he was dismissed from service vide order dated 31.3.1989. By filing the present petition, the petitioner has challenged his said dismissal order being illegal etc. The issue No.1 was framed on this point and the same was treated as preliminary issue. Both the parties led their evidence and, thereafter, vide order dated 9.2.1993, the same was decided against the respondent management by holding that the respondent management had not conducted a fair and proper enquiry. Thus, the finding recorded by the learned predecessor of this Court while deciding preliminary issue No.1, is not open to challenge by the respondent and the same has attained finality. The Hon'ble High Court has also been pleased to observe in the order dated 23.4.2009 that the issue which has already been decided vide order dated 9.2.1993, was no more open to reversal and contradictory findings on the same issue were not permissible.”

In view of the above finding, petitioner has not made out a case so as to interfere with the award passed by the Labour Court dated 2.5.2017.

Accordingly, petition stands dismissed.

25.09.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**