

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

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**CWP-22915-2017 (O&M)
Date of decision:07.10.2017**

M/s Amar Valves

....Petitioner

Versus

The Presiding Officer, Industrial Tribunal, Jalandhar and another

.... Respondents

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

Present: Mr. K.K.Korla, Advocate for the petitioner.

P.B. BAJANTHRI, J. (ORAL)

In the present writ petition, petitioner has challenged the award dated 09.08.2017 passed by the Labour Court. Undisputedly, the respondent-workman is alleged to have committed certain misdeed for which respondent-workman was not subjected to inquiry so as to terminate his services. Labour court passed the following order:-

“The Labour Court has indeed recorded that there is nothing to establish that certain notices alleged to have been issued by respondent No.2 i.e., dated 16.08.02 and 23.08.02 respectively asking him to join duties were served upon the appellant. However, it is important to note that even in the written statement dated 12.05.2004 filed in reference under Section 10(1) (c) of the Industrial Disputes Act, 1947, respondent no.2 invited the appellant to join duties. He, however, did not do so, In these circumstances, we are not inclined to interfere with the exercise of discretion by the Labour Court, confirmed by the learned Single Judge denying back wages. The authorities 2001 LLR 768 Competition Printing Press Vs Shriut Jaiprakash Singh and another decided by the Hon'ble Bombay

High Court; 2006(108) FLR193 Surendernagar District Panchayat Vs. Dahyabhai Amarsinh decided by the Hon'ble Supreme Court of India relied upon by the AR of the management are not applicable to facts of the present case as the facts of the present case are distinguishable. So, the workman is entitled to reinstatement with continuity of service and back wages from 1.9.10 to 13.3.12 and not thereafter at the rate of Rs.3900/- p.m. Accordingly, this issue is decided in favour of the workman and against the management.”

Since the petitioner has not resorted for holding an inquiry. Thus, there is violation of various provision of the Industrial Disputes Act, 1947. Consequently, petitioner has not made out a case so as to interfere with the Labour court award dated 09.08.2017.

Accordingly, CWP stands dismissed.

(P.B.BAJANTHRI)
JUDGE

07.10.2017

pooja saini

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No