

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

CWP No.29705 of 2017

Date of Decision:22.12.2017

Sunil Sharma

... Petitioner

Vs.

The Presiding Officer and another

... Respondents

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

Present : Mr. Sandeep Singal, Advocate for the petitioner.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the award dated 3.10.2017.

Petitioner has failed to point out any error in the award passed by the Labour Court. On the contrary, Labour Court has given its finding in para-14 which reads as under:

“After hearing both the sides and going through the entire evidence in the case. I am of the considered opinion that the present petition deserves to be dismissed. As per the case of the petitioner, he has worked as Chowkidar with the respondent from 19.1.2014 to 28.10.2014. His further case in the claim statement is that his appointment was on regular basis against the sanctioned post after completing formalities. However, when appeared in the witness box as WW-1, the petitioner admitted that he had not faced any interview nor his name was sponsored by the Employment Exchange. He also admitted that in fact, he was employed from the member of Parliament quota, vide which a member of parliament is authorized to get somebody appointed as Chowkidar in a Government department. The petitioner also admitted that he was not issued any appointment letter. He also admitted that he was paid salary only for three months and that he was not paid salary for the seven months. On the other hand, the respondent has

produced the salary payment record of the petitioner as Ex.M-1. A perusal of the same goes to show that the petitioner had worked with the respondent for 11, 24 and 17 days in the month of January, February and March 2014 respectively and he was paid the wages of Rs.2255/-, Rs.4920 and Rs.3621/-. Thus, in other words the petitioner had worked with the respondent for 52 days in the months of January, February and March, 2014. The existence of the signatures of the petitioner on the dispatch register copies Ex.W-10 on 10.03.2014, 26.03.2014 and 21.08.2014 does not prove that he has worked as Chowkidar with the respondent upto 28.10.2014. In fact it is proved that his appointment since the very beginning was a back door entry through the politicians and then he was turned out of job on 31.03.2014 Ex.W-3 is the letter dated 09.11.2016 written to the petitioner by the State Public Information Officer-cum-Divisional Forest Officer, Jhajjar vide which information sought by him was stated to have already been provided to him under the RTI Act, 2005. These documents tendered in evidence by the petitioner do not relate to proving his employment with the respondent. Thus, it follows that the respondent has not violated any provision of the Industrial Disputes Act, 1947.”

Finding of the Labour Court is sufficient to hold that there is no error apparent on the face of it. Consequently, petitioner has not made out a case so as to interfere with the award passed by the Labour Court.

Accordingly, petition stands dismissed.

22.12.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No