

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

CWP No.8850 of 2016

Date of Decision:24.08.2017

The Executive Engineer, Public Health Engineering Division No.2, Rohtak
... Petitioner

Vs.

Sanjay and another

... Respondents

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

Present : Mr. Sandeep Sanwaria, D.A.G. Haryana.

Mr. Sandeep Singal, Advocate for respondent No.1.

P.B. BAJANTHRI J. (Oral)

Petitioner has challenged the validity of award dated 02.11.2015 (Annexure P-1).

Respondent-workman is stated to have been appointed on daily wage basis as a sweeper on 20.7.2007. His services were terminated on 10.2.2013. Thus, he raised an industrial dispute. Labour Court passed the award in favour of the respondent-workman on the ground that petitioner failed to produced necessary material to show that respondent-workman has completed 240 days in a year. Thus, an inference has been drawn on the basis of the material information.

Learned counsel for the petitioner submitted that Labour Court has erred in passing the award in favour of the respondent-workman in the absence of necessary material. In other words, an inference has been drawn in favour of respondent-workman. Therefore, award passed by the Labour Court is liable to be set aside.

Learned counsel for the respondent-workman submitted that the

petitioner has failed to produce relevant record relating to a particular division where respondent-workman was working. Thus, an inference has been drawn in favour of the respondent-workman. Therefore, there is no infirmity in the award.

Heard learned counsel for the parties.

The petitioner has not pointed out what is error committed by the Labour Court except to the fact that Labour Court has passed an award only on inference that respondent-workman has worked for 240 days. To counter the inference drawn by the Labour Court, no material has been placed on record by the petitioner even to this day in producing relevant records of the particular division where the respondent-workman is stated to have worked. If the records reveals that respondent-workman was not working in that event an inference can be drawn in favour of the petitioner. Therefore, petitioner has not made out a case so as to interfere with the award passed by the Labour Court dated 2.11.2015 (Annexure P-1).

Accordingly, petition stands dismissed.

24.08.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**