

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

CWP No.5126 of 2017
Date of decision: 15.03.2017

M/s R.S.Cotsyn Ltd.

.... Petitioner

VS

Presiding Officer, Hisar & anr.

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Munish Kumar Garg, Advocate
for the petitioner.

Rajiv Narain Raina, J.(Oral)

The award dated 11.02.2015 (Annex P-4) made by the labour Court, Hisar has been challenged in the present writ petition after an inordinate delay of more than two years. The labour Court has awarded a sum of ₹ 80,000/- as compensation in lieu of reinstatement and ₹ 10,000/- as litigation expenses to the respondent workman. The Labour Court has applied its mind to the evidence and arrived at the conclusion that this was a case of termination and not a case of workman leaving his job on his free will with intention not to return. The period of service rendered by the workman was about 8 years i.e. from July 2003 to 2011.

Learned counsel for the petitioner has strained himself to point out from the testimony of Anuranjan Kapoor, Section Supervisor, EPF Organization, Rohtak and the statement of Jitender Sinha, SSSA of the same organization recorded before the court regarding withdrawal of EPF amounts by the workman. EPF record is not primary evidence of person having left service because information entered is not updated on regular

basis and therefore reliance is not conclusive proof. These are the statements made by subsequently which having evidence where there is a dispute of retrenchment.

I, therefore, find nothing conclusive in the testimony in favour of the petitioner company. It is the law that the labour Court is the last court of fact under the Industrial Disputes Act, 1947 and judicial review of the work of the Tribunal is restricted to examine whether a case is based on no evidence or gross misreading of it, or the award suffers from irrationality, perversity or injudicious approach and suffers from errors apparent on the face of record.

I find no fundamental flaw in the reasoning adopted in the impugned award to justify the interference. I would, therefore, dismiss the present petition which disputes payment of ₹ 80,000/-.

However, the dismissal of the petition is not to be read as approval or an expression of opinion on whether compensation awarded to the workman is just, fair and inadequate or reinstatement etc. to service. If the workman files a writ petition for reinstatement or enhancement of compensation etc. this order will not be read in those proceedings. That petition will be decided as per merits and in accordance with law.

(RAJIV NARAIN RAINA)
JUDGE

15.03.2017

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| 1. Whether speaking/non-speaking? | Yes |
| 2. Whether reportable/non-reportable? | No |