

In the High Court of Punjab and Haryana, at Chandigarh

Letters Patent Appeal No. 1189 of 2015 (O&M)

Date of Decision: 15.05.2017

Lakhwinder Singh

... Appellant(s)

Versus

Post Graduate Institute of Medical Education and Research, Chandigarh and
Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Mahesh Grover.
Hon'ble Mr. Justice Shekher Dhawan.**

Present: Mr. Rajinder Goyal, Advocate
for the appellant.

Mr. Rajesh Garg, Senior Advocate
with Mr. Sandeep Kumar and Ms. Namrata Shergil,
Advocates, for respondents No.1 & 2.

Mahesh Grover, J.

This appeal is directed against the judgment of the learned Single Judge dated 21.5.2015 dismissing the claim of the appellant, who as a workman, had claimed a reference questioning his termination of his services in violative of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as “the Act”).

The learned Labour Court had answered the reference in favour of the workman, but in the writ proceedings, the award was set aside.

Learned counsel for the appellant contends with reference to the appointment that it is a clear case where services of the workman were terminated abruptly without issuance of proper notice. The contract

contemplated 30 days notice, but the same was issued to the appellant on 8.3.2003 dispensing his services w.e.f. 31.3.2002.

Learned counsel for the respondents contends that the appointment of the appellant was co-terminus with the project against which he was appointed and even though initially it was for a period of one year but his employment continued for another year in view of the continuation of the project and immediately on its conclusion, the engagement of the appellant was discontinued. Thus, they were within their rights to terminate the services of the workman.

We have heard learned counsel for the parties and have perused the material on record. What would be the significant to answer this controversy would be the letter of appointment wherein it has been mentioned as below:-

“1. The post on which you have appointed has a total tenure of days i.e. one year or any person is employed through employment exchange (whichever date is earlier). Therefore, expected to automatically terminate on the afternoon of 31.3.2002 or earlier if sanction for the said research project(s) expires/or withdrawn earlier. In such case(s), no prior notice of termination of your services and you will automatically stand terminated from this post and no further claim from your end or continuation/re-appointment reinstatement on the expiry of sanction of the tenure post/appointment will be admissible.

2. Your appointment will also be terminable on one month notice on either side except in case of removal or misconduct or your character and antecedents being reported to be unsatisfactory, in which case, your services will be terminated without any notice, it will however, be open to the institute to pay in lieu of notice, your salary etc., for the period by which

the notice falls short of one month. Similarly, if you wish to resign/quit your post you may do so by depositing with the institute your salary and allowance in lieu of the notice in respect of the period by which it falls short of one month.

3. *Your appointment is solely for the aforesaid Research Scheme(s) which is/are of short duration. You will not be at employees of the Postgraduate Institute.”*

Annexure P4, appended to the writ proceedings, is a document indicating grant of sanction in continuation of the project till 2003. Evidently, the engagement of the appellant was against the project which was initially conceptualized for a year but continued for another year upto 2003 upon financial grant to that effect.

The respondents would, thus, clearly be within their rights to discontinued the engagement of the appellant after conclusion of the project. There is nothing on record to suggest that this project continued beyond 2003 as well.

If that be so, then the findings of the learned Single Judge cannot be faulted with. Thus, the present appeal stands dismissed.

(Mahesh Grover)
Judge

(Shekher Dhawan)
Judge

May 15, 2017
“DK”

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No