

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

LPA No. 1644 of 2016 (O&M)

Date of Decision : 17.04.2017

Punjab Scheduled Caste Land Development
and Finance Corporation

....Appellant

Versus

Dharamjit Singh and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

....

Present: Mr. Gautam Thapar, Advocate
for the appellant.

....

MAHESH GROVER, J. (Oral)

CM No.3375-LPA of 2016

For the reasons set out in the application, delay of 61 days
in filing the appeal is condoned.

C.M.stands allowed.

LPA No. 1644 of 2016

This appeal is directed against the judgment of the learned
Single Judge dated 27.05.2016 accepting the writ petition filed by the
respondent-workman against the award of the Industrial Tribunal.

The respondent-workman while claiming a reference
pleaded that he was appointed as Helper in August 2000 after
following the process of law where he was subjected to interview by
the District Manager, Punjab Scheduled Caste Land Development and
Finance Corporation. Having joined as Driver on 03.11.2000 he was

admitted to a salary of Rs.3,000/- per month , but his services were terminated on 14.06.2001. The reference court accepted the plea of wrongful termination while delivering the award on 01.12.2011 instead of ordering reinstatement held the workman entitled to compensation, and aggrieved thereof a writ petition was preferred which was accepted by virtue of impugned judgment.

Learned counsel for the appellant has stated that the impugned judgment is erroneous but he has been unable to point out any legal infirmity. The solitary argument advanced is that the District Manager of the Corporation was not authorised to make such appointment which is an unsubstantiated plea and in any eventuality even if accepted would not disentitle the workman to the benefits that he is legally entitled to on account of wrongful termination of his services. It is to be noticed that the Corporation did not challenge the award thereby accepting the consequences of wrongful termination. The only grievance that has been made is regarding the reinstatement ordered by the learned Single Judge. There is material on record by way of order of the Labour Court while determining the proceedings under Section 33C(2) of the Industrial Disputes Act, 1947 wherein the fact of the respondent-workman being sponsored by the employment exchange finds mention, which fact has candidly been conceded before us. If that is so, then evidently the workman faced the process of employment and his services could not have been terminated in the manner adopted by the appellant. On this aspect as also on the aspect of continuous employment of the workman the appellant has been

unable to show any material to upset the findings of a valid and continuous employment of the workman.

We thus do not find any legal infirmity in the findings recorded by the learned Single Judge and thus decline interference.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

17.04.2017
dss

(SHEKHER DHAWAN)
JUDGE

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