

LPA no. 91 of 2016 (O&M) 1

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

**LPA no. 91 of 2016 (O&M)
Date of Decision : 18.01.2017**

Gurdev Singh

....Appellant(s)

Versus

Managing Director, Pepsu Road Transport Corporation, Patiala and others

...Respondent(s)

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

**Present : Mr.K.S.Sekhon, Advocate for the appellant
Mr. Anupam Singla, Advocate for respondents no.1 and 2**

MAHESH GROVER, J.(ORAL)

This appeal is directed against the judgment of the learned
Single Judge dated 22.4.2015.

Noticing the facts it transpires that the appellant who was a
workman faced termination of his services on account of his absence from
duty w.e.f 5.1.1998. He questioned the termination by raising an industrial
dispute in the year 2002 before the Labour Court where the Labour Court
recorded a finding of the inquiry being fair and proper but yet resorted to the
provisions of Section 11-A of the Industrial Disputes Act to reduce
punishment from termination of services to stoppage of 5 annual increments
with cumulative effect.

Learned Single Judge over-turned this finding of the Labour
Court and upheld the termination which is now a cause of grievance to the
appellant.

An identical argument has been raised before us as has been

done in LPA no. 1640 of 2015 to contend that the disciplinary authority did not take into account the entire conduct and record of the appellant before terminating the services. Similarly it was pleaded that Section 11-A of the Act was rightly resorted to by the Labour Court.

We notice from the facts that absence from duty is admitted by the appellant and no explanation worth the name was even offered for the same. It is for the first time before us that the plea of ailment has been raised. Finding that this plea was never raised and established before the authorities below as also before the Labour Court and the learned Single Judge, we would not permit the appellant to raise such a plea. Suffice it to say that we have perused the records which we have summoned and find that the entire service record of the appellant was taken into consideration which indicates that he is a habitual defaulter and was granted repeated punishments for the same.

Consequently, when we find that the powers under Section 11-A of the Act were justifiably dealt with by the learned Single Judge who opined that it was not a fit case where punishment could have been reduced in favour of a person given to habitual mis-conduct, we would decline interference in the absence of any legal infirmity in the impugned judgment.

Hence, dismissed.

(Mahesh Grover)
Judge

(Shekher Dhawan)
Judge

18.01.2017

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No