

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

201

**Civil Writ Petition No.200 of 1998 (O&M)
Date of decision: February 05, 2018**

Punjab Tractors Ltd.

....Petitioner

versus

Presiding Officer, Labour Court, Patiala and another

...Respondents

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

Present: Mr. Pawan Kumar Mutneja, Advocate for the petitioner.

P.B. BAJANTHRI, J. (Oral)

Despite service of notice to the second respondent through newspaper, there is no representation.

The petitioner is aggrieved by the award passed by the Labour Court on 08.08.1997 (Annexure P-4) to the extent of issuance of fresh appointment to the respondent-workman.

Learned counsel for the petitioner submitted that respondent No.2 was habitual absentee during the period from 1987 to 1990 which is in violation of Clauses 23(A), 28 and (4) of the Certified Standing orders of the petitioner-Company. During the course of enquiry, the respondent had admitted in relation to unauthorized absence. Consequently, his services were dispensed from 25.06.1991. It was submitted that there is no infirmity in the award passed by the Labour

Court. The Labour Court has upheld the order of dismissal, however, directing the petitioner to give fresh employment to the respondent-workman may not be correct having regard to his conduct as he remained absent frequently during the year 1987 to 1989 for a number of days. Therefore, he may not be a suitable employee in the petitioner's-company. It was also submitted that his services have been dispensed on 25.06.1991 and interim order has been granted on 09.01.1998 in the present petition. At this distant of time, upholding fresh employment to the respondent-workman may not be correct.

Since there is no representation on behalf of the respondent and having regard to the factual aspects of unauthorized absence of respondent and the fact that he was out of service from 25.06.1991. Labour Court erred in directing petitioner to appoint respondent afresh in wholly arbitrary and illegal. Direction issued to the petitioner-Company to issue fresh appointment to the respondent-workman is set aside.

CWP stands allowed.

February 05, 2018

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**(P.B. BAJANTHRI)
JUDGE**

Whether speaking/reasoned?	Yes
Whether reportable?	No