

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-1862-2007 (O&M)

Date of Decision:-22.01.2018.

Bhartiya Cutler Hammer Employees Union

.....Petitioner

Versus

M/s Bhartiya Cutler Hammer Ltd. and another

.....Respondents

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

Present: Mr. A.P. Bhandari, Advocate for the petitioner.

Mr. P.K. Mutneja, Advocate and
Ms. Nikita Garg, Advocate for respondent No.1.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has challenged the award passed by the Labour Court dated 19.10.2006 (Annexure P-1).

Petitioner had certain demands. While doing so, petitioner was not an employee at the relevant point of time. In other words, he ceased to be an employee having regard to the fact that his services were terminated on 29.11.2001. Thus, Labour Court proceeded to pass award against the petitioner stating that he ceases to be an employee, therefore, question of entertaining the Reference may not be correct. Insofar as termination order dated 29.11.2001 is concerned, it was subject matter of reference before the Labour Court and Labour Court passed award in favour of the petitioner on 28.02.2013. In view of these facts and circumstances, insofar as demand by

the petitioner prior to 29.11.2001 would revive. Consequently, while upholding the award dated 19.10.2006 petition stands rejected. Liberty is given to the petitioner to raise a fresh demand relating to period prior to 29.11.2001 in view of setting aside of order of termination on 28.2.2013.

With the above observations, petition stands disposed of.

At this stage, learned counsel for the respondents submitted that the other issues which have already decided by the Labour Court holds good. It is to be noted that when the foundation like petitioner is ceased to be an employee question of deciding other issues by the Labour Court may not be correct. Leaving open each and every contentions in respect of demands of petitioner as on 29.11.2001, matter is disposed of.

(P.B. BAJANTHRI)
JUDGE

January 22, 2018.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.