

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

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**CWP-10079-2012 (O&M)
Date of decision:09.03.2018**

Satish Kumar

...Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat and
others

.... Respondents

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

Present: Mr. Rajesh Garg, Senior Advocate with
Mr. Sundeep Kumar, Advocate for the petitioner.

Mr. Rajesh Gaur, Addl. A.G. Haryana.

P.B. BAJANTHRI, J. (ORAL)

In the instant petition, petitioner has challenged the award passed
by the Labour court dated 15.04.2011 (Annexure P1).

2. Petitioner was stated to have been appointed as a Forest Guard on
25.09.1991 and he was transferred to DFO, Karnal in the year 1998. While
working as such it seems he was suffering from jaundice for which he was
compelled to remain absent from duty for various spells. For remaining
unauthorized absent respondents have initiated disciplinary proceedings and
concluded in imposing the penalty of termination which was subject matter

of industrial dispute. Industrial Tribunal passed the award against the petitioner. Hence the present petition.

3. Learned counsel for the petitioner submitted that having regard to the length of service rendered by the petitioner from 1991 to 2002 at least he is entitled to some compensation.

4. Per contra learned counsel for the respondent while resisting the contention of petitioner submitted that having regard to the conduct of the petitioner insofar as remaining absent and also not seeking permission of the department and mis-conduct has been proved in the disciplinary proceedings, there is no infirmity in the award passed by the Labour Court.,

5. Heard learned counsel for the parties.

6. Perusal of the dates and events and the conduct of the petitioner it is evident that petitioner remained unauthorized absent for many spells i.e. during period from 1992 to 1999 as stated in para 9 of the award. Habitual absentee is not entitled to any relief that too when it was proved in a disciplinary proceedings. Consequently, petitioner has not made out a case so as to interfere with the award passed by the labour court.

7. Accordingly, CWP stands dismissed.

09.03.2018

pooja saini

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

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No