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

**CWP-19772-2012**

**Date of Decision : Sept. 13, 2018**

Chhotey Lal

.... Petitioner.

Versus

The Presiding Officer, Labour Court, Ambala  
and another.

.... Respondents.

**CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN**

Present Mr. J.S. Cooner, Advocate  
for the petitioner.

Mr. A.S. Virk, Advocate,  
for respondent No.2.

**SHEKHER DHAWAN, J.**

Present writ petition under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of certiorari for quashing the award dated 9.2.2010 (Annexure P/1) passed by learned Labour Court, Ambala, whereby the reference was decided against the petitioner-workman; and the order dated 25.07.2001 (Annexure P/5) passed by respondent No.2, vide which services of the petitioner were terminated.

2. Facts relevant for the purpose of decision of this writ petition; that the petitioner raised an industrial dispute on the ground that he had joined employment with respondent No.2, i.e. National Institute of Technology (NIT), (for short, "**the respondent-Management**") in January, 1987 on daily-wages and same were regularized on 20.07.1994. His

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services were terminated on 25.7.2001 without issuance of any show cause notice, charge sheet, holding of enquiry or payment of retrenchment compensation.

3. The respondent-Management had come with the plea before learned Labour Court that the petitioner had proceeded on five days' casual leave from 4.11.1997 to 8.11.1997, but did not report for duty. He was issued Memo on 26.11.1997 for remaining absent from duty. Instead of reporting back for duty, he filed a Civil suit apprehending termination of his services. The petitioner was issued a charge sheet on 28.05.2001, to which he duly responded on 4.6.2001. On 13.11.2000, he submitted an affidavit admitting his fault and thereafter he was issued show cause notice on 12.07.2001 which he refused to receive. Thereafter, termination order was issued on 25.07.2001 after following due procedure of law.

4. Learned Labour Court considered the matter in its entirety and decided the reference against the workman on the ground that it was a case of abandonment of job on the part of the workman.

5. At the time arguments, learned counsel representing the petitioner-workman contended that the petitioner was regularly working right from January, 1987 with the respondent-Management and his services have been terminated without conducting any regular enquiry or without payment of any retrenchment compensation. Learned Labour Court has completely ignored this fact and as such, the impugned award is liable to be set-aside.

6. While arguing on this point, learned counsel representing the respondent-Management took the plea that learned Labour Court has

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considered the matter in its entirety and rightly held that it was a case of abandonment of job on the part of the workman. More so, he had himself admitted his guilt by filing affidavit on 13.11.2000. Had it been a case of termination of services of the petitioner, he should have immediately issued the demand notice, but the demand notice was issued by the workman after a lapse of 5 years.

7. Having considered the submissions made by learned counsel for the parties and appraisal of the record, this Court is of the considered view that learned Labour Court has rightly decided the matter in controversy that the petitioner himself had abandoned the job because he had not reported back despite notice having been issued by the Management to resume the duty. Thereafter, he had not taken any action and even further issued the demand notice after 5 years. If the services of the petitioner were actually terminated by the respondent-Management and it was not a case of abandonment, he should have immediately raised the industrial dispute, but that has not been done in this case.

8. Similar matter was before Hon`ble Supreme Court in **Syndicate Bank Vs. The General Secretary, Syndicate Bank Staff Association and another**, 2000 (5) SCC 65 and while discussing the principles of natural justice, it was observed as under:-

“15. Now what are the requirements of principles of natural justice, which are required to be observed? These are : (1) workman should know the nature of the complaint or accusation; (2). an opportunity to state his case; and (3). the management should act in good faith which means that the action of the management should be fair, reasonable and just.”

9. In the present case, as the petitioner-workman had himself

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not reported for duty despite notice having been issued to him and thereafter he had admitted his guilt by filing an affidavit and show cause notice was issued, which was not received by him, the respondent-Management was justified while terminating the services of the petitioner. Learned Labour Court has rightly decided the reference against the petitioner.

10. In view of the above, the present writ petition is without any merit and the same stands dismissed.

**(SHEKHER DHAWAN)**  
**JUDGE**

**September 13, 2018.**  
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| Whether speaking/reasoned? : | Yes |
| Whether reportable? :        | Yes |