

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

CWP No.12113 of 2018 (O&M)
Date of Decision:29.10.2018

Naresh Kumar

... Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour
Court-II, Faridabad and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Yash Dev Kaushik, Advocate for the petitioner

RAJIV NARAIN RAINA, J. (Oral)

1. I have heard learned counsel for the petitioner and perused the paper-book.

2. The petitioner in his demand notice did not plead that the Management had obtained his signatures on blank papers and misused them to make a case of compromise and settlement of the dispute between the parties. Neither in his affidavit (Ex. WWA) by way of examination-in-chief, did the petitioner utter a single word that the Management obtained his signatures on blank papers to misuse them later on. The Labour Court has not believed this version in the award dated 25th August, 2014 and observed that what is not pleaded is not open for proof, and therefore, the story made up by the workman was not believable nor could it be taken into consideration. Besides, this petition has been filed after about four years of the award which is a highly belated approach in challenge to the award endorsed on 2nd January, 2015. The reference has been answered against the workman. A

produce cogent and coherent evidence on the file to prove that there existed a relationship of employer and employee between him and the Management. Since the matter has been compromised in writing and the workman has collected his full and final dues from the Management the relationship had ceased to subsist. The settlement was exhibited on record as M-3, cash receipt as M-4 and cash voucher as M-5.

3. It appears that job had been offered by the respondent Management through a contractor which offer of contractual employment the petitioner refused to accept after receiving his terminal dues and therefore, he had no case even against the contractor who was impleaded as the second respondent in the industrial reference. No ground for interference is made out in the impugned award which is based on appreciation of evidence and the materials available on record.

4. In view of the above, I find no merit in this petition which is accordingly dismissed *in limine*.

29.10.2018
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No