

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 20.11.2018****CWP No.12367 of 2018**

Karnail Singh

...Petitioner

Vs.

Industrial Tribunal, Patiala & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Barjesh Kumar Sharma, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

1. This petition has been filed after more than 5 years of the passing of the impugned award. The approach to Court is highly belated. The contention put forward that the petitioner filed his petition after coming to know of the order passed in the case of Kulwant Singh, also driver with the respondent – Corporation in CWP No.11616 of 2014 and his order of dismissal was set aside by this Court against an award of the Labour Court declining the reference. It is in this background that he has approached this Court to set aside his dismissal order and grant him pension etc. as he had served for about 26 years. The explanation is not one to be readily accepted.

2. Kulwant Singh approached this Court without delay in 2014 against an award passed in 2013 i.e. the same year in which the award in the case of the petitioner was passed. They were both bus drivers, who worked in the same organization. The charge of misconduct against both was the same i.e. unauthorized absence from duty. From reading the judgment it comes out that Kulwant Singh had submitted his leave application, but the same was not taken into consideration by the respondent – Corporation. Nor

this fact was kept in mind by the enquiry officer so also by the Labour Court. Kulwant Singh had remained absent for a few days in the months of August and December, 1998 and thereafter was prompt in returning to attend to his duties till the date of his termination. Therefore, the petitioner can take no help from the decision in Kulwant Singh's case.

3. In the present case, it is pleaded that the workman informed the office that he would not be attending duty, but he submitted no proof of sending leave application. Leave cannot be sanctioned without an application. Neither did he reply to the notice dated 27.05.2002 while he had received the same, noted the labour court in the award. The explanation for the absence was that he was under treatment from a Homeopathic Dispensary at Samrala for the days of absence with leave.

4. In view of this, I find no strong reason to interfere with the award challenged after more than 5 years of its passing and would dismiss the petition.

20.11.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>