

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

**CWP No.20536 of 2014 (O&M)
Date of Decision: 18.04.2018**

Upkar Singh

.....Petitioner

Vs.

Presiding Officer and another

.....Respondents

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

Present:- Mr. Dinesh Sharma, Advocate for the petitioner.

Mr. D.R. Sharma, Advocate for respondent No.2.

P.B. BAJANTHRI, J.(Oral)

In the instant petition, the petitioner has challenged award passed by the Labour Court dated 06.06.2014 (Annexure P.8).

2. From perusal of the award, it is evident that certain issues like joining the service by the respondent- workman is under dispute.

3. Having regard to the Annexure W/2 (Annexure P.2), the present petition has not been apprised by the Labour Court. That apart, from perusal of Annexures P.6 and P.7, it is evident that the petitioner- workman had made necessary application for summoning the record whereas Labour Court proceeded to hold that the petitioner did not summon any record from the Management to establish that he was paid salary till 28.08.2001 and no attendance record has come on the file to establish that he attended to his duties till 28.08.2001. The respondent- Management disputed to the extent that the petitioner has worked upto 28.08.2001 whereas his services have been dispensed in the month of June, 2001 while outsourcing the work. In

this regard, the Management is hereby directed to produce necessary material before the Labour Court for fresh consideration. Accordingly, award passed by the Labour Court dated 06.06.2014 is set aside and the matter is remanded back to the Labour Court to decide his reference No.764 of 2005 afresh within a period of six months from the date of receipt of copy of this order. The parties are hereby directed to co-operate in deciding the reference and they are directed to appear before Labour Court on 18.05.2018.

4. With the above observations, the petition stands allowed.

April 18, 2018
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(P.B. BAJANTHRI)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No