

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

CWP No. 14759 of 2018

Date of decision : 01.06.2018

Subash Sharma

...Petitioner

V/s

Presiding Officer, Industrial Tribunal, Patiala & ors.

...Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Jimmy Singla, Advocate for the petitioner.

RAJAN GUPTA J.

Petitioner is aggrieved against the award dated 19.04.2018 passed by Industrial Tribunal, Patiala whereby petitioner has been ordered to make payment of ₹24,700/- to respondent no. 2 & ₹22,400/- to respondent no. 3 in lieu of work done by them. It has been urged before the court that award passed by the tribunal is unsustainable as the same has been passed without appreciating the evidence on record. Thus, impugned award deserves to be set-aside.

I have heard learned counsel for the petitioner.

It appears that petitioner engaged respondents no. 2 & 3 as Combine Foreman and Combine driver on a salary of ₹22,000/- and ₹20,000/- alongwith commission for harvesting the crop on 150 acres. They were given advance payment by the petitioner and it was agreed between them that rest of the amount would be given after the completion of work. However, after completing their work, respondents no. 2 & 3 were not paid the balance amount. They filed application under section 33-C (2) of the

Act. The matter came up before the Tribunal and it issued notice to the petitioner who refuted the claim of respondents no. 2 & 3. He took the stand that respondents no. 2 & 3 have already received the excess amount in lieu of the work done by them. He denied that he never assured respondents no. 2 & 3 of the amount as alleged by them. After considering the entire material on record, vide award dated 19.04.2018, the tribunal ordered the petitioner to make payment of ₹24,700/- to respondent no. 2 & ₹22,400/- to respondent no. 3 within three months alongwith 6% interest till realization. I find no infirmity with the order passed by the tribunal. It appears that tribunal on the basis of evidence and material adduced before it passed the impugned order and granted the amount. There is, thus, no need for interference in the impugned award.

In view of above, writ petition is without any merit and is hereby dismissed.

June 01, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No