

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

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**CWP-5695-2012 (O&M)
Date of decision:19.04.2018**

Nahar Singh

...Petitioner

Versus

The Presiding Officer, Industrial Tribunal, Patiala and others

.... Respondents

2.

CWP-5958-2012 (O&M)

Taj Mohammand

...Petitioner

Versus

The Presiding Officer, Industrial Tribunal, Patiala and others

.... Respondents

3.

CWP-23503-2012 (O&M)

Punjab State Ware House Corporation

...Petitioner

Versus

The Presiding Officer, Industrial Tribunal, Patiala and another

.... Respondents

4.

CWP-23849-2012 (O&M)

Punjab State Ware House Corporation

...Petitioner

Versus

The Presiding Officer, Industrial Tribunal, Patiala and another

.... Respondents

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

Present: Mr.Raj Kaushik, Advocate for the petitioner(s) in
CWP Nos.5695 and 5958 of 2012 and
for respondent No.2 in CWP Nos. 23503 and 23849 of 2012.

Mr.A.D.S.Sukhija, Advocate for respondents No.2 and 3 in
CWP Nos.5695 and 5958 of 2012 and
for the petitioner(s) in CWP Nos. 23503 and 23849 of 2012.

P.B. BAJANTHRI, J. (ORAL)

This order shall dispose of the aforementioned 4 petitions.

However, for convenience and clarity, facts are being taken from petition bearing No. 5695 of 2012.

2. Workmen and Management have filed cross petitions challenging the award passed by the labour court dated 23.01.2012 (Annexure P-1). Workmen were stated to have been appointed as a Labourer in the year 1994 and their services have been terminated in the year 2001. They have raised a demand notice in the year 2001. Thereafter, reference was made by the competent authority to the Industrial Tribunal in the year 2002 and award was passed on 23.01.2012 extending only compensation instead of reinstatement and consequential benefits. Hence the present petition. Perusal of the award dated 23.01.2012 labour court proceeded to pass award with reference to Ex.W4 to W31 and in other cases Ex.W4 to W9. These documents are relating to of the year 2001. Workmen were stated to have made application for summoning the record before the labour court.

Whereas management have produced only record relating to of the year 2001 while contending that workmen have worked only in the year 2001 and no material is available relating to the year 1994 to 2000. Mere production of some documents of the year 2001 that does not suffice in respect of claim made by the workmen when they contended that they have worked from 1994 to 2001. It was bounden duty of the management to produce documents from 1994 to 2001 to contend that names of the petitioners were not reflected in any document from 1994 to 2001. In other words, contention of the management is that workmen have worked only in the year 2001. In not producing relevant documents for a period from 1994 to 2001 by the Management to that extent there is error committed by the Labour Court and the Labour court has not taken note of this issue.

3. Accordingly, Award dated 23.01.2017 (Annexure P-1) is set aside. Matter is remanded to labour court for fresh consideration of reference. Parties are directed to appear before the labour court on 30.05.2018. They are also directed to cooperate in deciding the reference afresh. Labour court is requested to decide the reference within a period of 6 months from the receipt of this order. Registry is directed to return the LCR to the concerned labour court at the earliest.

19.04.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No