

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-1722-2018 (O&M)
Date of Decision:-25.01.2018.

M/s Jay Cee Auto Fab. Pvt. Ltd.

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court-III, Faridabad and
another

.....Respondents

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

Present: Mr. Anil Shukla, Advocate for the petitioner.

P.B. BAJANTHRI, J. (Oral)

Petitioner-firm have challenged the validity of the award passed
by the Labour Court dated 8.5.2017 (Annexure P-6).

Respondent-workman raised industrial dispute on the
assumption that his services have been terminated. Petitioner-firm have
disputed relating to termination. On the other hand, in the written statement
before the Labour Court, they have specifically taken the contention that
respondent-workman has been charge-sheeted on 16.07.2012 for absence.
So also statement has been made to the extent that respondent can still
report for duty if he so desires but without wages for the intervening period.
It is to be noted that imposing such condition that without wages for the
intervening period may not be correct for the reasons that when the
respondent has been charge-sheeted unless and until it attains finality,

petitioners cannot impose such condition. Therefore, there is no infirmity in the award passed by the Labour Court. Accordingly, petitioner has not made out a case so as to interfere with the award dated 8.05.2017.

Petition stands dismissed.

Award would not come in the way of disciplinary proceedings pursuant to the charge sheet dated 16.07.2012. Petitioner is directed to make every endeavour to complete proceedings. Respondent is hereby directed to co-operate in disciplinary proceedings.

(P.B. BAJANTHRI)
JUDGE

January 25, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.