

...

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-26339-2014
Date of Decision : July 12, 2018

Vinod Kumar Jha

.... Petitioner.

Versus

M/s Orient Craft Limited and another.

.... Respondents.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present Mr. G.S.Bal, Senior Advocate
with Mr. A.D.S. Bal, Advocate,
for the petitioner.

Mr. M.L.Sarin, Senior Advocate,
with Mr. Ritesh Aggarwal, Advocate,
for respondent No.1.

SHEKHER DHAWAN, J.

Present writ petition under Article 226/ 227 of the Constitution of India is for issuance of a writ in the nature of certiorari for quashing the impugned award dated 30.06.2014 (Annexure P/9), whereby the reference of the petitioner-workman was rejected by learned Industrial Tribunal-cum-Labour Court, Gurgaon (for short, "the Tribunal").

2. Relevant facts for the purpose of decision of this writ petition; that the petitioner was working as an Electrician with respondent No.1/Management w.e.f. 01.09.1988 on monthly salary of Rs.8500/- and he

...

worked till 03.04.2009, when his services were terminated by the respondent-management. The petitioner challenged his termination before learned Tribunal. The respondent-management took the plea before the learned Tribunal that it was not a case of termination, rather it was a case of abandonment of services by the petitioner himself. Even during the proceedings before the Conciliation Officer, an offer was given to the workman to join his duty, but he refused to join the services till his back-wages are paid. That amounted to refusal to join the duty and at any rate the same is not a case of termination of service rather the petitioner abandon his job.

3. The Tribunal pronounced the award on 30.06.2014 (Annexure P-9) and held that the workman is not entitled to any relief and the reference was answered against the workman.

4. Learned counsel for the petitioner contended that in fact, it was a case of termination of service and the learned Tribunal failed to appreciate the fact that the petitioner had put in more than 10 years of service. The petitioner never took the plea that the back-wages be paid to him first, rather his plea was that his un-paid wages be paid to him.

5. During the hearing here, learned counsel for the management denied the said fact.

6. Having considered the submissions made by learned counsel for the parties and appraisal of record, this Court is of the considered view that taking this case from any angle, it was not a case of termination of service of the petitioner-workman, rather it was a case of abandonment of service by the petitioner himself. He was given offer to join his duties on the

...

same wages, where he had left the job, within a period of one month, but the workman failed to join his duties and the learned Tribunal has rightly decided the reference against the workman.

7. There are absolutely no grounds to set aside the impugned award (Annexure P-9) by invoking writ jurisdiction of this Court. Resultantly, the present writ petition lacks merits and the same stands dismissed.

(SHEKHER DHAWAN)
JUDGE

July 12, 2018.
som

Whether speaking/reasoned? :	Yes
Whether reportable? :	Yes