

...

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-9564-2013

Date of Decision : August 10, 2018

Jasbir Kaur

.... Petitioner.

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court,
Panipat and another.

.... Respondents.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present Mr. Naveen Daryal, Advocate
for the petitioner.

Mr. P. K. Mutneja, Advocate
for respondent No.2.

SHEKHER DHAWAN, J.

Present writ petition under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of certiorari to quash the impugned award dated 23.07.2008 (Annexure P/3) whereby, the reference has been answered against the petitioner.

2. Facts relevant for the purpose of decision of this writ petition; that the petitioner was working as a Master since 01.01.1989 and continued to work till 22.12.1999, when her services were terminated without assigning any reason or issuance of show cause notice or holding enquiry. The petitioner issued a demand notice on 20.01.2000, on the

...

basis of which reference was made and learned Industrial Tribunal pronounced the award and answered the reference against the workman.

3. Learned counsel for the petitioner contended that learned Industrial Tribunal has completely ignored the material facts while pronouncing the award, because it was simply a case of termination of service after putting in more than 10 years of continuous service by the workman and the termination of service was without payment of any retrenchment compensation or initiation of disciplinary proceedings.

4. Learned counsel for the respondent-management contended that it was not a case of termination, but it was a case of abandonment of job by the workman as she herself had left the job and got employment in another industry. The workman was working as a Master and she got job in another industrial unit. After abandonment of job, she had even withdrawn her provident fund and at that time she had mentioned this fact in the application form submitted by her before the Provident Fund authorities, that reason for withdrawal of amount was that she had left the job. In the said form, she had not taken the plea that her services were terminated and even this fact is proved on the file in the statement of MW-2 Shri Ram Niwas. Learned Tribunal has rightly placed reliance on the same and as such, the present writ petition be dismissed.

5. Having considered the submissions made by learned counsel for the petitioner and appraisal of the record, this Court is of the considered opinion that the fact regarding employment of the petitioner for a period of ten years is not disputed. The only point involved in this petition is whether

...

the services of the petitioner were terminated or she had herself abandoned the job. The most relevant document on this point is Ex.M-4 i.e. copy of form for withdrawal of provident fund, which has been proved on the file as per statement of MW-1 Ram Niwas and in the said document, the petitioner herself mentioned that she had left the job, meaning thereby, there was no question of termination of services of the petitioner.

6. Learned Industrial Tribunal has rightly decided this controversy while relying upon the oral as well as documentary evidence led by the management. The present writ petition is without any merit and is dismissed.

(SHEKHER DHAWAN)
JUDGE

August 10, 2018.
som

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