

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CWP No.9877 of 2018 (O&M)

Date of decision: May 11, 2018

M/s Om Precision Tools

...Petitioner

Versus

The Presiding Officer, Industrial Tribunal-
cum-Labour Court-I, Faridabad & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Madhu Ranjan, Advocate for the petitioner.

Rajan Gupta, J.

The petitioner has approached this court by way of the present writ petition in order to challenge the award dated 08.11.2017, passed by Labour Court, Faridabad, whereby reference has been answered against the petitioner.

The grievance of the petitioner is that since respondent No.2/ workman had himself submitted his resignation and accepted full and payment voluntarily, he could not be allowed to agitate the matter again. Thus, the Labour Court has wrongly held the respondent/workman to be entitled to recover a sum of Rs.3.00 lacs as compensation in lieu of reinstatement and back wages.

After respondent No.2 raised an industrial dispute in this regard, the matter was referred by the appropriate Government to the competent Labour Court. The matter came up for adjudication before the Labour Court, Faridabad, where the management vehemently refuted the claim of the workman. It filed a written statement in which it is stated that since claimant himself had left his job, he was not entitled to any compensation. It was denied that workman was terminated w.e.f. 12.02.2010 by the management.

The Labour Court came to the conclusion from the evidence on record i.e. Ex.M-1 to Ex.M-4 that during his employment, claimant/respondent No.2 sustained injuries while operating power press and almost all the fingers of his both hands were crushed and amputated and thus, he became unfit to operate the power press. The petitioner management instead of providing him proper treatment, terminated his services. The court observed that the management had prepared the alleged resignation of the claimant by getting his signatures on some blank papers.

I have heard learned counsel for the petitioner. It has not been able to point out anything legally or factually incorrect with the impugned award, passed by the Labour Court. It has not been shown how the evidence led before the court below, had been wrongly appreciated. It has also not been shown whether any evidence led by the petitioner management had been ignored from consideration.

In view of the facts and circumstances of the case, I find no ground to interfere with the impugned award passed by the Labour Court. In my considered view, the present writ petition is totally frivolous, without any merit and deserves to be dismissed with exemplary costs. Thus, while dismissing the present writ petition, the petitioner management is burdened with Rs.30,000/- as costs. The amount of costs be remitted to respondent-workman.

May 11, 2018
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking/ reasoned

Yes / No

Whether Reportable:

Yes / No