

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

LPA No. 1579 of 2017 (O&M)
In CWP No. 4968 of 2017

Date of decision: 16.1.2018

Bhupinder Singh

.. Appellant

vs

The Presiding Officer, Industrial Tribunal, Amritsar,
and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
 Hon'ble Mr. Justice B. S. Walia**

Present: Mr. Ajit Singh Sodhi, Advocate, for the appellant.

Rajesh Bindal, J.

Aggrieved against the order passed by the learned Single Judge dismissing the writ petition upholding the award of the Labour Court, the workman has filed the present appeal.

While dismissing the writ petition, the learned Single Judge noticed that the appellant was appointed as Seasonal Gauge Reader on 15.4.1985 and his services were terminated on 15.10.1989. He raised industrial dispute. The matter was referred to the Labour Court. Apparently, the dispute was raised more than seven years after the services were terminated. The appellant was not able to prove that there were violation of provisions of Section 25-F of the Industrial Disputes Act, 1947 (for short, 'the Act') as was the issue referred for determination. As the award of the

Labour Court was not challenged any further, it attained finality. Subsequently, the appellant again raised industrial dispute, which was referred to the Labour Court in the year 2008 with the same facts. It was disposed of on 24.2.2012 in terms of the statements made by the parties that in case any vacancy accrues with the Management in future, the appellant may be adjusted.

Thereafter, in the year 2014 again the appellant sought to raise the issue that there was violation of Section 25-H of the Act, as certain persons, who were appointed after the appellant were allowed to continue in service. It has been noticed in the award passed by the Labour Court, which was impugned before the learned Single Judge that some persons were appointed in the year 1994, who were still working. The fact remains that even when industrial dispute was raised by the appellant for the first time, all these facts were available, but not thought to be raised by the appellant. He only raised the issue that his termination was in violation of Section 25-F of the Act, but failed to make out any case.

In view of the facts, as noticed above, we find that the employment of the petitioner started as Seasonal Gauge Reader way back in the year 1985, which ended with his termination on 15.10.1989. The appellant had raised the industrial dispute raising different issue at different times, which cannot be permitted. Whatever claim is to be made, the same is required to be raised at one time not in piece meal. As regards the claim regarding violation of provisions of Section 25-H of the Act is concerned, the same is highly belated, hence, cannot be permitted to be raised at this stage.

For the reasons mentioned above, we do not find any error in the order passed by the learned Single Judge. The appeal is accordingly dismissed. Consequently, the accompanying applications are also dismissed.

(Rajesh Bindal)
Judge

16.1.2018
vs

(B. S. Walia)
Judge

Whether speaking/ reasoned
Whether Reportable

Yes/No
Yes/No