

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

**LPA No.1696 of 2018
Date of Decision :07.12.2018**

Chhotey Lal

.....Appellant

Versus

**The Presiding Officer, Labour Court, Ambala and another
..... Respondents**

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. J.S.Cooner, Advocate for the appellant.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

This *intra court* appeal, under clause X of the letters patent, is directed against the judgment and order dated 13.09.2018, passed by the learned Single Judge dismissing the writ petition filed by the appellant challenging the award passed by the Labour Court.

The Labour Court after analyzing the pleadings of the parties as also the evidence brought on record returned a finding that the appellant-workman left the service voluntarily, without any reasons, in a whimsical manner.

It is clearly borne out from the record that on 4.11.1997, the appellant proceeded on five days casual leave but did not report back for duties, thereafter. A memo dated 26.11.1997, was issued to him for remaining absent from duty but there was no response. From the pleadings it is borne out that by way of an affidavit filed by him on 13.11.2000 he

even admitted his fault. Thereafter, disciplinary proceedings were initiated against him and he was charge sheeted vide order dated 28.05.2001. In reply thereto the charges levelled against him were admitted. After considering the reply submitted by the appellant-workman, a show cause notice dated 12.07.2001, was issued which he refused to accept. Thereafter, the termination order dated 25.07.2001 was passed which he also refused to accept, instead he filed a civil suit. Thereafter, a publication was made in the newspaper on 15.08.2001. It is also an admitted position that a demand notice was issued by the appellant-workman after a lapse of 5 years. All these facts clearly go to establish that it was a case of abandonment from service by the appellant/workman and no fault can be found with the finding returned by the Labour Court in this regard after analyzing the evidence and that of learned Single Judge dismissing the writ petition. The appeal accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

07.12.2018

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No