

**LPA-1338-1339-LPA-2018 in/and
LPA-486-2018 (O&M)**

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

**LPA-1338-1339-LPA-2018 in/and
LPA-486-2018 (O&M)
Date of Decision: July 16, 2018**

Punard Ram

.....Appellant

Versus

The Presiding Officer, Labour Court, UT, Chandigarh and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.Jai Bhagwan, Advocate for the appellant.

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SURYA KANT, J.(ORAL)

CM-1338-LPA-2018

For the reasons mentioned in the application, the same is
allowed and delay of 116 days in refiling the appeal is condoned.

CM stands disposed of accordingly.

CM-1339-LPA-2018

For the reasons mentioned in the application, the same is
allowed and delay of 3 days in filing the appeal is condoned.

CM stands disposed of accordingly.

LPA-486-2018

This Letters Patent appeal assails the order dated 17.07.2017
whereby learned Single Judge has dismissed the appellant's writ petition in
which he laid challenge to the Award dated 22.08.2006 passed by the

Labour Court, UT, Chandigarh.

[2] In the industrial dispute raised by the appellant, the Labour Court vide the above-mentioned Award held that he had abandoned the employment and there was unexplained and inordinate delay in raising the dispute. The said finding has been affirmed by the learned Single Judge.

[3] The facts may be noticed briefly:

[4] The appellant was appointed on daily wages as a Peon w.e.f. 17.12.1985. His services were allegedly not extended beyond 03.08.1989 though his work and conduct was claimed to be satisfactory. The appellant admittedly raised the industrial dispute on 02.10.2000 alleging violation of Sections 25F, 25G and 25H of the Industrial Dispute Act, 1947, hence seeking reinstatement with all consequential benefits.

[5] The respondent-Department took a categorical stand in response to the Demand Notice as well as before the Labour Court that the appellant was not retrenched, rather he himself had left the employment to join Nakodar Cooperative Waste Plant (for brevity, 'Waste Plant'), namely, for betterment of his service career. The Waste Plant was later on closed and a Liquidator was appointed by Registrar, Cooperative Societies to wind up the Society. The appellant firstly raised an industrial dispute against his subsequent employer, namely, Nakodar Cooperative Waste Plant in the year 1993 but having failed to get any relief, he decided to raise industrial dispute against the Lotteries Department in the year 2000 alleging his illegal retrenchment in the year 1989. The Labour Court, UT, Chandigarh vide Award dated 22.08.2006 found that the appellant himself had abandoned the

employment so as to join Nakodar Cooperative Waste Plant for a better career, due to which he did not raise the dispute for a long period of ten years. Reference was accordingly answered against the appellant.

[6] Though the writ petition could be dismissed by the learned Single Judge outrightly on the ground of delay and laches as the appellant chose to challenge the Award dated 22.08.2006 after eight years, namely, by way of a writ petition filed in the year 2014, nevertheless, the learned Single Judge has considered the claim on merits and affirmed the finding of fact that it was a case of abandoning the employment by the appellant to join a better assignment. It was only when he was rendered surplus in the later employment and when he could not succeed in the legal action initiated against the second employer, that as an after-thought he raised the industrial dispute against the Lotteries Department.

[7] We have heard learned counsel for the appellant and gone through the record. The facts would speak for themselves. Had it been a case of illegal retrenchment by the first employer, the appellant would not have remained silent for more than a decade nor he would have sought any legal remedy against the second employer when he was retrenched 2nd time in the year 1993. It stands established that the appellant voluntarily abandoned the employment of the first employer to join a better job where he continued till the year 1993. He rather wanted to continue with the second employer, therefore he raised an industrial dispute also. But having failed in the same and as an after-thought, he initiated fresh proceedings against the respondent-Department which have culminated into the impugned Award of

the Labour Court.

[8] No case to interfere with the findings of fact is made out.

[9] Dismissed.

(SURYA KANT)
JUDGE

July 16, 2018
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(SUDIP AHLUWALIA)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |