

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
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CWP-15697-2015

Date of decision: 29.08.2019

JOGINDER SINGH

...PETITIONER

VS.

THE PEPSU ROAD TRANSPORT CORPORATION AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Harpal Singh Saggu, Advocate,
for the petitioner.

Mr. Anil Sharma, Advocate,
for respondents No. 1 and 2.

Mr. Vivek Sharma, Advocate,
for respondent No. 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Learned Industrial Tribunal, Bathinda, while passing the Award dated 06.05.2015, has merely proceeded on the basis of the records and cross-examination conducted upon the petitioner, wherein he has stated that he has put forth his claim against PRTC-respondents No. 1 and 2 and he has further stated that there is no claim against respondent No. 3, which was totally contrary to the pleadings and the documentary evidence on record. Although the statement of a witness has to be taken as it is, however, keeping in view the fact that there is documentary evidence which establishes the appointment of the petitioner with respondent No. 3, which fact is also not disputed by respondent No. 3 in the written statement, which

has been filed, the Labour Court could have proceeded to decide the case on the basis of the oral as well as documentary evidence on record. Merely on the basis of the oral statement by the workman would not decide the claim of a workman on that score alone.

In view of the above, the Award dated 06.05.2015 passed by the Industrial Tribunal, Bathinda, is set aside and the case is remanded back to the Industrial Tribunal, Bathinda for fresh decision on merits as mentioned above.

As prayed by the counsel for the parties and consented, each party shall be given one opportunity to lead their respective evidence over and above what has already been placed on record.

Parties are directed to appear before the Industrial Tribunal, Bathinda, on 22.10.2019.

Writ petition stands disposed of accordingly.

August 29, 2019

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No