

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

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**CWP No.13668 of 2018
Date of Decision : 15.05.2019**

SUKHWINDER SINGH

....PETITIONER

V/S**THE STATE OF PUNJAB AND OTHERS**

....RESPONDENTS

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. L.S. Lakhanpal, Advocate for the petitioner.

B.S. WALIA, J. (ORAL)

[1] Challenge in the writ petition is to award (Annexure P-1) dated 06.11.2017, passed by the Presiding Officer, Industrial Tribunal, Amritsar vide which reference under Section 2-A and 10 (1) (c) of the Industrial Disputes Act, 1947 was dismissed.

[2] The case as set up by the petitioner before the Industrial Tribunal, Amritsar (hereinafter referred to as 'the Tribunal') was that he was employed as Beldar on permanent and regular basis w.e.f. 21.11.1995 and that he had been discharging his duty honestly, diligently and to the entire satisfaction of his superiors but his service was terminated by the management on 31.12.2007 without any notice, enquiry or for that matter, retrenchment compensation.

[3] Management on the other hand, filed written statement denying that the workman was ever appointed on regular/permanent basis and that he had worked in Malakpur Sub Division, UBDC, Malakpur from 27.11.1995 to 23.02.1996 for 89 days, for which he was paid Rs.2122/- per month and his

services were terminated after the expiry of 89 days on 23.02.1996, the

petitioner-workman had already filed a case before the learned Labour Court, Gurdaspur, which was decided by the learned Labour Court, Gurdaspur on 11.08.2006 in favour of the department. It was further the stand of the management that the petitioner-workman never challenge the award, passed by the learned Presiding Officer, Labour Court, Gurdaspur, which had been decided against the workman.

[4] RW-2 Kashmir Singh, tendered his affidavit (Exhibit R-9) and deposed that he had got cash register of Tibri Sub Division for the period 29.03.1996 to 31.12.2007 and the name of the workman Sukhwinder Singh did not find mention therein. RW-2 Kashmir Singh, further stated that the workman had raised an industrial dispute earlier vide demand notice dated 05.02.2001, which was referred to the learned Presiding Officer, Labour Court, Gurdaspur, by the State Government and was registered as reference No.219 of 2001. In pursuance to registration of said reference, workman filed statement of claim reiterating the contents of the demand notice. Eventually, reference No.219 of 2001 was decided against the workman by the learned Presiding Officer, Labour Court, Gurdaspur, vide award dated 08.11.2006. After dismissal of aforementioned reference, workman raised fresh industrial dispute by serving fresh demand notice dated 07.08.2008.

[5] RW-2 Kashmir Singh, also tendered cash book related to Malakpur Sub Division, UBDC for the period March, 1996 to July, 1996 and stated that the name of the workman did not find mention in it except for payment of ₹1745/- towards salary/wages for the month of February, 1996 to May, 1996 while the dispatch registers for the period from March, 1996 onwards till July, 1996 was not traceable. However, the same had been

to reference No.219 of 2001. On the basis of the same, it was contended that the claim of the workman was false, fabricated and amounted to misuse of the process of law.

[6] The Tribunal took into account reference No.219 of 2001, which was dismissed by the Labour Court, Gurdaspur vide award (Annexure R-1/1) on 08.11.2006, in which it had been mentioned that as per the workman he was appointed on 21.11.1995 and worked continuously till 09.07.1996. The award was decided against the workman by holding that his termination was justified. The petitioner-workman never challenge the award of the learned Labour Court, Gurdaspur before the High Court.

[7] Once the claim of the petitioner in reference No.219 of 2001 of having been appointed w.e.f. 21.11.1995 and termination on 09.07.1996 having been upheld in the said award and no evidence having been led nor any evidence having been shown by learned counsel for the petitioner of the workman having been appointed thereafter or for that matter having continued uptill 31.12.2007, the award passed by the Tribunal is in accordance with law and does not warrant any interference. Accordingly, finding no merit in the writ petition, the same is ***dismissed in limine***.

(B.S. WALIA)
JUDGE

May 15, 2019
'Rajneesh'

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