

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

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Civil Writ Petition No.3479 of 2014
Date of Decision: December 4th, 2019

Sanjeev Verma

...Petitioner

Versus

Presiding Officer Industrial Tribunal, Bathinda and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Kanwalvir Singh Kang, Advocate
for the petitioner.

Mr. Nitin Thatai, Advocate
for respondents No.2 to 5.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the award dated 09.09.2013
(Annexure P-11) passed by the Industrial Tribunal, Bathinda.

2. It is the contention of learned counsel for the petitioner that the Labour Court has proceeded on a wrong assumption and has returned a finding, which is contrary to the record that the petitioner was on probation till his services were terminated as it is stated that he was never confirmed. His further contention is that the evidence, which the petitioner has led with regard to the work and conduct, has also not been taken into consideration while coming to the conclusion, as has been drawn.

3. Learned counsel for the respondent has also pointed out that although the Labour Court has framed an issue with regard to the aspect whether the petitioner is a workman under the Industrial Disputes Act or not and its effect but no finding whatsoever in this regard has been returned.

4. With the assistance of the counsel for the parties, I have gone through the impugned award and on going through the same, it appears that

the Labour Court has proceeded on the assumption that the petitioner was

still on probation when his services were terminated. With this as basis, the Labour Court has proceeded to decide the case, leaving no manner of doubt that the Court had not applied its mind, what to say about the evidence but to the pleadings also as it is an admitted position that the petitioner initially was appointed on probation but was subsequently confirmed. The award dated 09.09.2013 (Annexure P-11), which has been impugned cannot pass the test of judicial scrutiny and, therefore, cannot sustain and is hereby set aside.

5. It is made clear that the findings, as have been recorded by the Industrial Tribunal in its award dated 09.09.2013, will not, in any manner, have any effect upon the reference, which is now required to be decided afresh by the Industrial Tribunal-cum-Labour Court, Bathinda.

6. Parties are directed to appear before the Industrial Tribunal-cum-Labour Court, Bathinda, on **20.12.2019**.

7. On appearance of the parties, the learned Industrial Tribunal-cum-Labour Court, Bathinda, shall proceed to give opportunity to the parties to prepare the case and address their arguments on the basis of the pleadings and the evidence, which are already on record.

8. It may be pointed out here that during the pendency of the writ petition, Prorgro Seeds Company Private Limited-respondent No.4 was taken over by M/s. Bayer Bio Science Private Limited and the same has been impleaded as respondent No.5 in the writ petition.

9. The Labour Court shall make the necessary addition in the memo of parties as per the writ petition.

10. Since the matter is old, let the Labour Court make an endeavour to decide the same within a period of four months from the date of

appearance of the parties, provided the parties cooperate in that endeavour.

11. The writ petition stands disposed of accordingly.

December 4th, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No