

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CWP No.6230 of 2013 (O&M)
Date of decision: April 09, 2019

Shakuntla Devi

...Petitioner

Versus

M/s Dynamic Fashion Pvt. Ltd. & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sandeep Kotla, Advocate for the petitioner.
Mr. Rajiv Sharma, Advocate for respondent No.1.

Rajan Gupta, J.

The petitioner has approached this court by way of the present writ petition in order to challenge the award dated 19.12.2011 (Annexure P-10), passed by Labour Court, Gurgaon, whereby reference has been answered against the petitioner.

Learned counsel for the petitioner has urged before this court that services of the petitioner were illegally terminated by respondent No.1 management without assigning any reason and thus, she is entitled to be reinstated in service with full back wages.

Plea has been opposed by counsel appearing for respondent No.1. According to him, petitioner was dismissed from service after holding due and proper enquiry as she was habitual of remaining absent from duty.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

Brief factual matrix of the case is that on 25.05.1994, petitioner had joined respondent No.1 company as a Tailor. Her services were

terminated on 26.09.2002. She filed a demand notice before the Labour-cum-Conciliation Officer, Circle-I, Gurgaon and management was directed to take her back on job. However, neither she was allowed to join duty nor any retrenchment compensation was given to her.

After petitioner raised an industrial dispute, the matter was referred by the appropriate Government to the competent Labour Court. It came up for adjudication before the Labour Court, Gurgaon, where the management vehemently refuted the claim of the workman. It filed a written reply stating that petitioner was dismissed from service after holding due and proper enquiry as she was habitual of remaining absent from duty. A charge-sheet dated 24.09.2002 was also issued to her for misconduct. An Enquiry Officer was appointed who submitted his report finding the allegations against the petitioner to be true. A show cause notice dated 07.05.2003 was also issued to the petitioner, but she did not submit any reply to the same. Thus, her services were dispensed with by the management.

The Labour Court came to the conclusion from the evidence on record that petitioner was disobedient workman, as she never followed the instructions of the employer. Moreover, she remained absent from the duty during varying periods without prior sanction of leave. There being allegations of misconduct against her, the management decided to terminate her services.

I am of the considered view that petitioner has not been able to point out any illegality with the impugned award, passed by the Labour Court. Moreover, there is nothing on record to show that the evidence led before the court below had been wrongly appreciated. The punishment awarded to the petitioner for remaining absent from duty at different times coupled with the acts of misconduct, is not harsh. In view of the facts and circumstances of the

case, I find no ground to interfere with the impugned award passed by the Labour Court. The petition is without merit and same is hereby dismissed.

April 09, 2019
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking/ reasoned	Yes / No
Whether Reportable:	Yes / No