

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.776 of 2014

Date of Decision: 22.01.2020

Baldev Singh

... Petitioner

VS.

Chairman, Punjab School
Education Board, Mohali & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Tarun Singla, Advocate for the petitioner

Mr. SS Behl, Advocate for respondents No.1 to 3

GIRISH AGNIHOTRI, J. (Oral)

(1) The present writ petition has been filed by petitioner Baldev Singh, *inter alia*, with a prayer to quash/modify the award dated 24.10.2013 (P21) to the limited extent whereby instead of ordering reinstatement with backwages, only ₹ 30,000/- has been awarded as lumpsum compensation.

(2) Learned counsel for the petitioner submits that the case laws relied upon by the Labour Court would not be applicable in the present case because apart from violation of Section 25-F, the respondents have not complied with the provisions of Section 25-H of the Industrial Disputes Act, 1947.

(3) Reference is further made to the information made available to the petitioner under the RTI vide letter dated 31.12.2012 copy of which has been appended as Annexure P20 along with forwarding letter dated 01.01.2013. The relevant extract of the said letter reads as under:-

3. *Photocopy of appointment Sh. Kuldeep Singh s/o Sh. letter of Sh. Kuldeep Singh Lakha Singh under contract s/o Sh. Lakha Singh Packer Packer, Regional office*

Office of District Manager, Ferozepur has been Punjab School Education appointed (photo copy Board. attached upto 31.12.2012.

4. *After 30.6.2002 all the As per the orders of the persons who have been Chairman seasonal daily appointed on daily wage wage workers are appointed basis, their list, number on appointment letters along with date should be supplied.*

All this information should be supplied in the form of certified copy.

(4) On a question put to counsel of the petitioner as to how this issue has been dealt with by Labour Court, it is submitted that this issue has not been dealt with by the Labour Court. He, however, submits that in fact specific plea had been taken by him in his claim statement wherein he did make a mention that the respondents have engaged newly appointed persons after termination of the workman.

(5) Counsel for the respondents No.1 to 3 has submitted that their specific stand was that the services of the workman were utilized only to meet the exigencies of seasonal workload concerned with the examination.

(6) In view of the above peculiar facts and circumstances, this Court is of the view that the case be remanded back to the Industrial Tribunal, Bathinda to also examine the case afresh, including the issue raised under Section 25-H of the 1947 Act and return specific findings. So

in 2005, parties are directed to only avail two dates or opportunities each to make their submissions/adduce evidence. It shall be appreciated if the Labour Court makes an endeavour to decide the case within one year.

(7) The writ petition stands disposed of in above terms.

22.01.2020

Vvishal

(Girish Agnihotri)
Judge

1. *Whether speaking/reasoned?*

Yes/No

2. *Whether reportable?*

Yes/No