

**CWP-14826-2020(O&M)
and connected case**

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

1. CWP-14826-2020(O&M)

Punjab Financial Corporation and another

.....Petitioners

Versus

Roshan Lal and another

.....Respondents

2. CWP-14755-2020(O&M)

Punjab Financial Corporation and another

.....Petitioners

Versus

Surinder Pal and another

.....Respondents

3. CWP-5731-2020(O&M)

Surinder Pal

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal, Patiala and others

.....Respondents

4. CWP-4545-2020(O&M)

Roshan Lal

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal, Patiala and others

.....Respondents

Date of decision: 05.03.2021

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.G.S.Bal, Sr. Advocate with
Mr. Sewa Singh, Advocate for
Punjab Financial Corporation

Mr. Animesh Sharma, Advocate
for respondents in CWP-14826-2020 and 14755-2020
and for petitioner in CWP-4545-2020 and 5731-2020

ANIL KSHETARPAL, J.

Through this order, four Civil Writ Petitions i.e CWP-14826-2020, 14755-2020, 4545-2020 and 5731-2020 shall stand disposed of.

Two writ petitions (CWP-14826-2020 and CWP-14755-2020) have been filed by the Management whereas two counter writs (CWP-4545-2020 and CWP-5731-2020) have been filed by the workmen.

On 27.01.2021, learned counsel representing the Management got these writ petitions segregated on the ground that these writ petitions involve different issues. It is important to note that a bunch of 32 connected writ petitions have been disposed of by this Bench vide judgment dated 01.03.2021.

In CWP-14826-2020, learned senior counsel appearing for the Management has pointed out that the services of respondent no.1 were terminated in accordance with the procedure prescribed under the Industrial Disputes Act, 1947, and therefore, the award passed by the Industrial Tribunal is not sustainable. It may be noted here that respondent no.1 was engaged on 15.07.1986 for watch and ward duty of

the units taken over by the Management. Learned senior counsel is referring to the documents, Annexure P-7 and P-8 dated 16.12.2003. On reading thereof, it is apparent that in the year 2003, the services of the petitioner were alleged to be terminated on payment of Rs.59,346.50. However, before the Industrial Tribunal neither the Management pleaded this fact nor produced the documents Annexure P-7 and P-8. Still further, it is the case of the Management itself before the Industrial Tribunal as well as before this Court that the petitioner was in its service from 15.07.1986 to 29.11.2011. Thus, even if at one point of time, the services of respondent no.1 were terminated and thereafter, once again re-engaged then the Court is required to examine whether his services were correctly terminated on 29.11.2011 or not.

Hence, even if the documents, Annexure P-7 and P-8, are taken into consideration, although, not permissible, still it would not make any difference.

As noticed above, this Bench has already disposed of 32 writ petitions vide judgment dated 01.03.2021. Hence, the writ petition filed by Roshan Lal i.e CWP-4545-2020 and cross writ filed by the Management ie. 14826-2020 would stand disposed of in terms of the case titled as '**Punjab Financial Corporation and another. vs.Sharma Ram and another**' CWP-14492-2020 decided on 01.03.2021.

Now let us examine the case of Surinder Singh. In this case, Surinder Singh is stated to have worked for a period of 8 years and 8 months from 05.11.1993 to 02.07.2002. Learned counsel for the Management contends that the reference was sought after a period of 17

years and therefore, there was no alive industrial dispute at the time of making the reference. It is not in dispute that Surinder Pal filed a writ petition alongwith certain other workers seeking regularization, which were disposed of by the learned Single Judge vide judgment passed on 18.04.2001. Thereafter, the Letter Patent Appeal 1946-2001 filed by the workman was dismissed by the Division Bench on 30.11.2006. The workman filed Special Leave Petition i.e SLP (Civil) no. 27080 of 2015 which was dismissed after grant of leave. Thereafter, the petitioner sought reference. Thus, for the reasons stated in Sharma Ram's case, the petitioner is held entitled to the relief and it is not possible to hold that there was no alive dispute at the relevant time. Hence, CWP-14755-2020 filed by the Management and the counter writ filed by the workman i.e 5731-2020 are both disposed of in terms of the decision rendered in Sharma Ram's case (supra).

The aforesaid four writ petitions are also disposed of in terms of the detailed judgment passed in Sharma Ram's case (supra).

05.03.2021

rekha

Whether speaking/reasoned

Whether Reportable

Yes /No

Yes / No

**(ANIL KSHETARPAL)
JUDGE**