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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

-. -

CM-6479-CWP-2022 in/and CWP-8991-2022

Date of decision: 29.08.2022

*Gurcharan Singh*

.....*Petitioner*

*Versus*

*Presiding Officer, Labour Court and others*

.....*Respondent*

**Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Jarnail Singh Saneta, Advocate  
for the applicant/petitioner

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**Rajbir Sehrawat, J. (Oral)**

**CM-6479-CWP-2022**

Prayer in this application filed under Order 41 Rule 27 read with Section 151 CPC is for leading additional evidence *i.e.* Certificate of work period and Bank Statement (Annexures P-2 and P-3) respectively.

For the reasons mentioned in the application, the same is allowed and Annexures P-2 and P-3 are taken on record.

**Main case**

The present writ petition has been filed under Articles 226/227 of the Constitution of India, praying for issuance of a writ in the nature of certiorari for quashing the Award dated 27.08.2021 (Annexure P-1) passed

by respondent No. 1, vide which, claim of the petitioner has been declined.

The brief facts as enumerated in the petition and perusal of the impugned award shows that the petitioner had asserted that he started working in the year 2008 and continued as such till 18.01.2017, when his service was abruptly terminated. The petitioner had raised an industrial dispute. The same was referred to the Labour Court. The Labour Court has answered the reference against the petitioner. Hence, the present writ petition.

Counsel for the petitioner has submitted that the award has wrongly been passed by the Labour Court against the petitioner. The petitioner had remained in service for a long time and had performed his duties with due diligence and to the utmost satisfaction of the employer. However, at the time of termination of his service, neither any notice was given nor was retrenchment compensation paid to him. Hence, termination of the petitioner was totally illegal.

Having heard counsel for the petitioner and having perused the case file, this Court does not find any substance in the arguments raised by counsel for the petitioner. The employer-Gram Panchayat and the Block Development Officer have led sufficient evidence on file to show that the petitioner himself had abandoned the job. The petitioner remained absent from duties repeatedly and did not do the job, provided to him, despite being asked. Ultimately, to maintain cleanliness in the village, the Gram Panchayat had passed a resolution for removal of the petitioner and to engage an other person by advertising the position in the Newspaper, as well as, by *Munadi*. Pursuant thereto, selection already stood made and a

new incumbent had already joined.

So far as the claim of the petitioner is concerned, undisputedly, the petitioner has not led any evidence on file to show that he had completed 240 days in service during twelve calendar months preceding his termination. The record also shows that the respondent had produced on record the relevant material to show that the petitioner had not completed 240 days in service during twelve calendar months preceding his termination, and that, he remained absent from service repeatedly. Further, the petitioner had not even cross-examined the witness of the management, even after granting repeated opportunities for the same.

In view of the above, this Court does not find any illegality or perversity in the findings recorded by the Labour Court.

Resultantly, the present writ petition is dismissed.

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|-----------------|---------------------------|---|-------------------|
|                 |                           |   | (Rajbir Sehrawat) |
|                 |                           |   | Judge             |
| August 29, 2022 |                           |   |                   |
| mohan bimbra    | Whether speaking/reasoned | : | Yes/No            |
|                 | Whether reportable        | : | Yes/No            |