

CWP No.15855 of 2022
Date of Decision: 25.07.2022

Lakhbeer Singh @ Lakhvir Singh

.....Petitioner

Versus

Chief Managing Director, Punjab State Power Corporation Limited, Patiala
and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Hardeep Singh Kasan, Advocate
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of Certiorari for quashing of impugned award dated 08.07.2019 (Annexure P-5).

The Labour Court has recorded a finding that the petitioner has failed to prove that he had worked for 240 days in twelve calendar months preceding his alleged termination. The respondents had produced the record which shows that the petitioner had worked only for 181 days. Therefore, no fault could be found with the action of the respondents in terminating the service of the petitioner. Moreover, the alleged termination is stated to be in July, 1988, whereas, the demand notice was served by the petitioner after a gap of more than 25 years on 05.12.2013. Hence, the petitioner has even remained silent for a long time. This aspect also makes it clear that the respondents had not terminated the service illegally.

Moreover, undisputedly, the respondents had issued a public notice in the newspapers on 03.09.1997 for re-employment of the retrenched workman. In the said process, the respondents have re-engaged the persons who had minimum 337 days of service to his credit. Even on that count, the petitioner does not have any right to be re-employed. No person junior to the petitioner have been re-employed by the respondents in the said process.

In view of the above, finding no merit in the present petition, the same is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

25.07.2022

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Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No