

LPA No.2331 of 2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA No.2331 of 2017

Date of decision : 06.05.2022

Nirpinder Singh

.....Appellant

VERSUS

Industrial Tribunal, Bathinda and others

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Vikas Singh, Advocate
for the appellant.

Ms. Monika Jalota, DAG, Punjab.

Mr. G.S. Bhatia, Advocate
for respondents No.3 and 4.

AUGUSTINE GEORGE MASIH, J.

Challenge in this appeal is to the order dated 21.09.2017 passed by the learned Single Judge, vide which the writ petition preferred by the appellant challenging the validity of the Industrial Tribunal's award dated 21.12.2011 (Annexure P-8) stands dismissed.

Learned counsel for the appellant contends that the appellant was appointed by the Deputy Commissioner, Sri Muktsar Sahib, as a Clerk-cum-Cashier. He was sent on deputation with Faridkot – Bathinda Kshetriya Gramin Bank, Faridkot, for a period of one year, which was extended by another year i.e. upto 1998. Thereafter, there was no

LPA No.2331 of 2017

extension. The respondent – bank relieved the appellant on 17.04.1999. Appellant failed to report back to the office of the Deputy Commissioner. In the absence of he joining the office of the Deputy Commissioner, his services were terminated w.e.f. 27.04.1999.

Appellant asserts that the principles of natural justice had not been complied with as no show cause notice/charge-sheet was ever served nor has any enquiry been conducted and therefore, the said termination would not be sustainable. Reinstatement with continuity of service and full back-wages were sought by way of a claim petition preferred by him. The Industrial Tribunal has proceeded to dismiss the Reference on the ground that the evidence which has been led by the Management of the respondent – bank established the fact that the appellant was not the employee of the bank and was on deputation from the office of the Deputy Commissioner, Sri Muktsar Sahib. Unfortunately, the appellant had not produced any evidence relating to his appointment in the office of the Deputy Commissioner nor is anything available on record which would indicate that his services have been terminated by the said respondent. The factum that the period for which the appellant had worked with the respondent – bank has been paid to him and therefore, there was no arrears which were payable by the Management of the respondent – bank. It is, in this light, the award has been passed against the appellant.

Learned counsel for the appellant submits that these aspects need to have been looked into especially in the light of the fact that the services of the appellant has been terminated by the respondent – bank. His contention is that there was no question of he going back and report to the

LPA No.2331 of 2017

office of the Deputy Commissioner. Counsel for the appellant has also asserted that similarly placed employees, who were with the respondent – bank, have been taken back by the Deputy Commissioner into service and therefore, Tribunal should have passed the similar order in the case of the appellant.

We have considered the submissions made by the learned counsel for the appellant and with his assistance have gone through the pleadings and the records of the case including the award passed by the Industrial Tribunal but do not find ourselves in a position to accept what has been asserted by the counsel for the appellant.

The evidence which has come on record and led the Management of the respondent – bank is that the appellant was not the employee of the bank, rather he had been deputed by the Deputy Commissioner, on a fixed pay which has been paid to him. The deputation was extended by a year i.e. 1997 to 1998 and thereafter, there was no extension leading to the respondent – bank relieving the appellant on 17.04.1999. There is no termination of the services of the appellant, rather he had been relieved to report back to the office of the Deputy Commissioner for seeking his posting. There is no material on record showing that the appellant ever reported back in the office of the Deputy Commissioner. In the absence of any material showing he having approached the office of the Deputy Commissioner to report back on his service and there being no document/material on record showing any termination of the service nor is there any order on record of termination, the Tribunal was right in rejecting the claim of the appellant.

LPA No.2331 of 2017

Learned Single Judge also has taken note of all these aspects and rightly dismissed the writ petition preferred by the appellant.

In view of the above, finding no merit in the present appeal, the same stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

06.05.2022
Harish

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>