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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-. -

CWP-36787-2019
Date of decision: 04.07.2022

Dev Ram

.....Petitioner

Versus

The Presiding Officer, Indl Tribunal, Patiala & Ors.Respondents

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr. Inder Pal Singh Parmar, Advocate for the petitioner

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Rajbir Sehrawat, J. (Oral)

The present writ petition has been filed under article 226 of the Constitution of India praying for issuance of a writ in the nature of certiorari for quashing the impugned award dated 15.04.2019 (Annexure P-1) passed by the respondent No. 1, whereby an industrial dispute raised by the petitioner-workman; challenging his termination order, has been declined without appreciating the substantive contentions of the petitioner petitioner-workman, in the right perspective

The claim of the petitioner-workman, as raised before the Labour Court was that the petitioner-workman had worked with the respondents from 1980 to 16.06.2012 continuously as Beldar. However, his service was abruptly terminated illegally on 16.06.2012 without any

notice, charge-sheet, inquiry or payment of retrenchment compensation. The termination of service was wrong. Accordingly, the petitioner-workman had raised a grievance; which was referred to the Labour Court for adjudication. However, the Labour Court has answered the industrial dispute against the petitioner. Hence, the present writ petition.

A perusal of the award shows that the petitioner-workman attempted to prove his case before the Labour Court but he miserably failed to lead any cogent and convincing evidence to show that he had worked for 240 days in twelve calendar months, preceding the date of his alleged termination of service. The only evidence led by the petitioner-workman is Exhibit W-6 (Pass book), however, even that document does not contain the name of the petitioner as such. Hence, the said document is not helpful to the case of the petitioner. On the contrary, the respondents have examined MW1 Balbir Singh, Range Officer, Patiala, who has produced the muster rolls for the period from 01.02.2011 to 31.12.2012; which clearly shows that the petitioner-workman did not work for 240 days during the twelve calendar months preceding termination of his service.

In view of the above, this Court does not find any illegality or perversity in the award passed by the Labour Court. Hence, the present writ petition is liable to be dismissed.

Resultantly, the present writ petition is dismissed.

(Rajbir Sehrawat)
Judge

July 04, 2022
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No