

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

CWP-788-2003

Date of decision : 02.02.2023

Gurdial Singh

...Petitioner

Vs.

Beas Construction Board and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Lovish Rattan, Advocate for
Mr. Surinder Sharma, Advocate for the petitioner.

Mr. Abhay Josan, Advocate
for respondent Nos.1 and 2.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has preferred this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of Certiorari seeking quashing of the award dated 18.06.2002 (Annexure P-7) passed by respondent No.3, whereby industrial dispute raised by the petitioner against his retrenchment/termination through reference No.18/1990 was decided against him.

Learned counsel for the petitioner has argued that the petitioner was appointed as Trade Mate on 22.01.1977, who was later designated as Chowkidar w.e.f. 09.08.1978 by the respondent No.1/Beas Construction Board, and was later on retrenched in the year 1982-83 alongwith the other workers pursuant to the retrenchment notice dated 12.12.1983. He submits that the labour dispute raised by the petitioner reached the Industrial Tribunal-cum-

Labour Court, Chandigarh, wherein vide award dated 18.06.2002, the reference was answered against the petitioner holding his retrenchment to be valid. He submits that earlier some of the employees, who were retrenched by the Management, were ordered to be reinstated by the Labour Court and the challenge to the said decision by Management before this Court through CWP-3190-1988 remained unsuccessful. However, the quantum of back-wages awarded by Labour Court was reduced to 75%. He submits that the retrenchment notice served upon the workman was short by ten days and no retrenchment compensation was paid, therefore, the termination is bad particularly when the junior to him were retained in service. Learned counsel prays that the impugned award be set aside and the claim of the petitioner be accepted.

The claim is opposed by learned counsel for the respondents, who has argued that the workman was declared surplus because of abolition of TLSC Sub Division No.II, Bilaspur due to completion of work, therefore, various workers alongwith the petitioner were retrenched. He submits that the entire process was completed by following the procedure of law and no junior was retained.

Upon hearing learned counsel for the parties and considering their submissions, this Court finds that the workman admittedly received retrenchment notice dated 12.12.1983 thereby intimating him about the abolition of TLSC, Sub Division No.II, Bilaspur and it was also conveyed that his services would be required till 15.01.1984. Further, a perusal of the impugned award shows that the ground set up by the workman to claim parity with other workers who were reinstated pursuant to the award dated

14.09.1987 was found to be misplaced, and the Labour Court has carefully examined the distinction between the two cases while holding the retrenchment of the petitioner as valid, who had also received the retrenchment compensation. In this regard, the learned counsel has referred to the cross examination of the petitioner.

Thus, this Court has no hesitation in holding that the findings arrived at by the Labour Court while answering the reference against the respondent are based upon proper appreciation of evidence and no case for judicial review is made out.

Resultantly, writ petition fails and is dismissed.

(MANOJ BAJAJ)
JUDGE

02.02.2023

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No