

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

CWP-9674-2022

Date of decision : 24.01.2023

Subhash

...Petitioner

Vs.

**Presiding Officer, Industrial
Tribunal-cum-Labour Court, Panipat
and another**

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sansar Kundu, Advocate for the petitioner.

MANOJ BAJAJ, J.

By means of this petition under Article 226 Constitution of India, the petitioner-workman has prayed for issuance of a writ in the nature of Certiorari for quashing the award dated 29.04.2016 (Annexure P-3) passed by respondent No.1, whereby the Industrial dispute raised by the him against his termination was answered against him.

Learned counsel has argued that the petitioner had joined as Chowkidar on 01.08.2011 with Haryana Roadways, Panipat and continued to work till 01.11.2012 when his services were illegally terminated in violation of Section 25-F Industrial Disputes Act, 1947 as he had completed 240 days in a year. Learned counsel submits that the Industrial Tribunal has not examined the material on record carefully while dismissing the claim of the petitioner, primarily, on the ground that the petitioner's services were provided by an outsourcing agency, namely, OSCAR Security and Fire Services. According to him, the impugned award passed by the Industrial Tribunal is not sustainable and warrants interference by this Court.

After hearing learned counsel and considering the material on

record, it transpires that according to the petitioner, he had worked for a period of one year with the respondent No.2, but no convincing evidence relating to his engagement by the Management was produced. Further, a perusal of the impugned award reveals that the Industrial Tribunal has specifically noticed the vital admissions suffered by workman during his cross-examination, including that he was not given appointment letter. During the course of hearing, it is fairly stated by learned counsel that petitioner's stand that he was drawing his salary from the respondent No.2/Management is also not supported with any evidence.

Thus, the findings returned by the Industrial Tribunal on material issues are based upon proper appreciation of material on record. Besides, the impugned award was passed in the year 2016 and no valid explanation has been given by petitioner for approaching this Court after a long delay of approximately six years.

Consequently, no case is made out for exercise of extra ordinary writ jurisdiction.

Dismissed.

(MANOJ BAJAJ)
JUDGE

24.01.2022
vanita

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