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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10743-2012 (O&M)
Date of Decision: 02.02.2023

SUBODH ANGRISH

.. Petitioner

Vs.

PRESIDING OFFICER, LABOUR COURT, AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Raj Kaushik, Advocate for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

Mr. B.S. Toor, Advocate for
Mr. K.S. Kang, Advocate
for respondent Nos.2 and 3.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of Certiorari for quashing of award dated 10.01.2012 (Annexure P-7) passed by Presiding Officer, Industrial Tribunal, Jalandhar, whereby his claim for reinstatement was dismissed.

Learned counsel for the petitioner states that as the petitioner was terminated on 30.09.2003 i.e. two decades ago, whose claim for reinstatement was dismissed through the impugned award dated 10.01.2012 passed by the Industrial Tribunal, Jalandhar, but he does not press his claim for reinstatement and confines his prayer only to the limited extent that his pending gratuity and provident fund be released. He has drawn the attention

of the Court to the impugned award to highlight the conduct of management witness, namely, Sunil Keshav Gore, who made a wrong statement that workman withdrew his gratuity and provident fund, and according to learned counsel though the application of the workman for prosecution of the witness was dismissed, but the release of due payment in favour of the workman be directed.

After hearing the learned counsel and considering his submissions, this Court finds that in the claim statement dated 09.08.2004 (Annexure P-4) the workman has not made any averment or prayer regarding release of his gratuity or other service benefits, who had only raised the sole grievance of his alleged illegal termination, therefore, the alternative prayer is without any merit.

During the course of hearing, learned counsel does not dispute the fact that the workman had even admitted in the claim statement about the receipt of payment made by management through cheque, which was received by him under protest.

Thus, in the absence of any material, this Court is not inclined to exercise the extra ordinary writ jurisdiction under Article 226 Constitution of India.

Dismissed.

02.02.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No