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

CWP-15335-2015

Date of decision : 03.02.2023

Kali Ram

...Petitioner

Vs.

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

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep K.Sharma, Advocate for the petitioner.

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 for setting aside the award dated 27.04.2015 (Annexure P-5) passed by Industrial Tribunal-cum-Labour Court, Rohtak, whereby the Industrial dispute raised by him against his termination of service was answered against him

Learned counsel submits that on 10.06.2008, the petitioner was appointed as pump operator on regular basis against the vacant post with respondent No.2, who was illegally removed from service on 04.07.2009 without holding any inquiry and the said removal is in violation of the provisions of Industrial Disputes Act, 1947. He submits that aggrieved against this action of respondent No.2, petitioner raised a demand notice, whereby the dispute reached before the Industrial Tribunal and the claim raised by him was contested by the Management-respondent No.2, by raising a stand that the

petitioner was never appointed on regular basis with the management. Learned counsel submits that the petitioner worked with respondents and the evidence on record adduced by the management i.e. log books (Ex.MW-1 to Ex.MW-14) proves the claim of the workman, therefore, the impugned award declining the claim of the petitioner is not sustainable. He submits that the impugned award be set aside.

The prayer is opposed by learned counsel representing the respondents, who has argued that the Labour Court has considered the rival claim of the parties and evidence on record carefully while dismissing the claim of the workman and the impugned award does not call for any interference by this Court.

After hearing learned counsel for the parties and considering the submissions, this Court finds that the Management through their witness MW-1 had produced regular employee register in evidence as Ex.MW-1 to MW-14, wherein name of the petitioner/workman is not mentioned as a regular employee of the management. Further, the certificate Ex.MW-17 also proves the fact that no wages were paid to the workman. Besides, the log book Ex.W-1 to Ex.W-24 and Ex.MW-18 to Ex.MW-32 as per findings of Labour Court is record relating to the pump operation and is not enough to prove the attendance of workman.

Concededly, the petitioner had worked between a period w.e.f.10.06.2008 to 04.07.2009, and as per the claim of the workman himself, he allegedly worked for a period of year and a month, whereas there is no evidence on record to establish his continuous engagement for 240 days in a calendar year, thus the ground of violation of Section 25-F Industrial Disputes

Act, 1947 is not established.

Resultantly, this Court does not find it to be a fit case for exercise of extra ordinary writ jurisdiction as the impugned findings in the award dated 27.04.2015 are based upon proper appreciation of material on record.

Dismissed.

(MANOJ BAJAJ)
JUDGE

03.02.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No