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2023:PHHC: 159550

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-26160-2012

Date of decision: 13.12.2023

DHARMENDER SINGH

....PETITIONER

Vs.

M/S DOMINANT OFFSET LTD & ANR

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ashwani Bakshi, Advocate
for the petitioner.

Mr. P.K. Mutneja, Senior Advocate with
Ms. Suverna Mutneja, Advocate
for respondent No. 1.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through the instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 18.09.2009 (Annexure P-6), whereby Industrial Tribunal-cum-Labour Court-1, Gurugram, has dismissed claim of the petitioner.

2. The petitioner was an employee of respondent-company and he joined his duty on 27.06.1995 as a Fitter. He was drawing salary of Rs. 2,487/- per month. He worked for 2½ years and thereafter as per petitioner, he was not allowed to join duty w.e.f. 19.01.1998. The claim of the petitioner was that he was not allowed to join whereas respondent alleged that petitioner remained absent w.e.f. 15.01.1998. He was asked to rejoin duty but he failed to join without any plausible reason.

3. The matter of the petitioner came up for consideration before the Labour Court by way of reference under Section 10 of Industrial Disputes Act,

1947. The Tribunal vide order dated 18.09.2009 did not find merit in the reference and accordingly answered against the petitioner. The petitioner is not disputing the fact that respondent-company has already been closed. The Labour Court has recorded categoric finding with respect to absence of the petitioner. The Labour Court has not found fault on the part of the respondent-company.

4. Mr. P.K. Mutneja, Senior Advocate for respondent No.1 submits that respondent-company closed its factory in 2015 and since then, company is not operating any industrial undertaking. The company may be available on papers but it is not doing any business and he has no information with respect to the assets of the company.

5. Learned counsel for the petitioner expressed his inability to controvert the aforesaid fact and he further expressed his inability to point out whether the company is having any assets or not.

6. In the wake of categoric findings recorded by the Labour Court as well as the fact that company is no more running industrial unit, this Court does not find it appropriate to interfere with the findings of the Labour Court. Accordingly, the instant petition is dismissed.

[JAGMOHAN BANSAL]
JUDGE

13.12.2023
manoj

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No