

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CWP-11170-1997

Date of Decision: 16.02.2024

RAJ TILAK BANSAL

.... Petitioner

Versus

THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT NO.1, FARIDABAD, HARYANA

....Respondent

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. S.K. Jaswal, Advocate for the petitioner.

 Mr. Praveen Chander Goyal, Addl. A.G., Haryana.

SANJAY VASHISTH, J.(Oral)

1. Present writ petition has been filed by the petitioner-workman, challenging the award dated 10.07.1996, passed by respondent No.1-Industrial Tribunal-cum-Labour Court-I, Faridabad. The industrial dispute was raised by the petitioner-workman, and a reference No.63 of 1991 under Section 10 (1) (c) of the Industrial Disputes Act, 1947, was forwarded by the State of Haryana for its decision.
2. As per the case of the petitioner-workman, he joined respondent No.2-Haryana Urban Development Authority, on 13.05.1982 as Bin Card Clerk and his services were terminated on 01.01.1988.

3. In the written statement filed by respondent No.2-Management, a categoric stand has been taken that the petitioner-workman worked in the office of the answering respondent on monthly sanction basis and his working period was also explained, which is mentioned in the award also.

For the sake of convenience, the same is reproduced hereinbelow:

‘The case of the management is that the claimant had been appointed on monthly sanction basis on 2.6.82 to 31.7.1982 and 2.9.1982 to 16.9.1982 on purely temporary basis. Then he was appointed again on 23.5.1983 for a period of one month. Thereafter he was appointed as store keeper from 26.3.84 to 25.5.84 on TMR basis 29.6.84 to 25.7.84, 1.8.84 to 30.9.84, 15.10.84 to 30.4.84, 1.6.87, 31.7.87, 1.9.87 to 30.9.87 and 1.11.87 to 31.12.87. They denied the allegation that the workman had been terminated because of any ill will against him’

4. There is no dispute that after 31.12.1987, the petitioner-workman never worked in the office of respondent-Management. After taking, note of the said fact, learned Labour Court held that the period explained by the respondent-Management is corroborated with the evidence of MW-1 (S.S. Bhatia), who produced official record as W-1.

There is another aspect that the petitioner-workman, who was appointed on the basis of monthly sanction basis, lastly worked on 31.12.1987, but the demand notice was served by him on

31.10.1990. The said conduct is found to be unnatural because, had he been terminated or stopped by the Management to join the duty, then, immediately thereafter the workman could have submitted some representation or request in any manner to allow him to continue his duty. However, taking no action for such a long time strengthens the plea taken by the respondent-Management that for all intent and purposes the appointment of the petitioner was on monthly sanction basis as pleaded by the Management in the written statement elaborating the details.

5. This Court has also gone through the pleadings and the appended documents, apart from the findings given by the learned Labour Court in its award dated 10.07.1996 and thereupon, has reached to the conclusion that the reasoning given by learned Labour Court appears to be genuine, therefore, nothing calls for interference in the impugned award. Accordingly, the present writ petition stands **dismissed**.

February 16, 2024
rashmi

Whether speaking/reasoned
Whether reportable?

[SANJAY VASHISTH]
JUDGE

yes/no
yes/no