



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208

CWP-13204-1997

Date of Decision: 27.05.2024

PEPSU ROAD TRANSPORT CORPORATION, PATIALA

.... Petitioner

Versus

PRESIDING OFFICER, LABOUR COURT, JALANDHAR AND
ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. R.S. Ahluwalia, Advocate for the petitioner.

SANJAY VASHISTH, J.(Oral)

1. By way of instant writ petition, petitioner- PEPSU Road Transport Corporation, Patiala, has assailed the award dated 10.04.1996 (Annexure P-3), passed by the Labour Court, Jalandhar, whereby reference No.254 of 1989 has been partly answered in favour of workman-Charan Singh.

Learned Labour Court modified punishment of dismissal from services by setting aside order dated 23.05.1985 passed by the Deputy General Manager and imposed punishment of forfeiture of his services from 1973 to 23.05.1985 as per order dated 03.04.1996. Accordingly, workman-Charan Singh was treated as on fresh service w.e.f. 24.05.1985. It has also been observed in the award that the workman was not entitled to any wages w.e.f. 24.05.1985 to 06.04.1994.



2. Infact, it is not the first round of litigation in which petitioner-management has questioned the award passed by the Labour Court. On earlier occasion, the Labour Court had passed the award dated 15.10.1983 against the workman-Charan Singh (Annexure P-1) and same was assailed before this Court (Punjab and Haryana High Court) by way of filing of CWP No.11456 of 1994. The Division Bench of this Court, while deciding CWP No.11456 of 1994 gave an observation that the punishment is highly unsatisfactory as no appropriate reason was given by the Labour Court for taking such a view and also held that the punishment awarded by the Employer is harsh or disproportionate and this way, award dated 15.10.1983(Annexure P-1) was declared to be illegal and same was quashed. However, the dispute was again referred to the Labour Court for its decision afresh.

For reference, findings recorded in CWP- No.11546 of 1994 by this Court in its order dated 23.11.1994, is reproduced herebelow:

“ In so far as this case is concerned, the consideration made by the Labour Court on the question of punishment is highly unsatisfactorily. The Labour Court has not given any reason for taking the review that the punishment awarded by the employer is harsh or disproportionate. Rather its conclusion is bald, cryptic and wholly unsupported by reasons. It has not at all adverted to the relevant factors. It must, therefore be held that the exercise of discretion by the Labour Court under Section 11-A is arbitrary and capricious. By ignoring relevant factors which it was bound to consider while exercising its jurisdiction under section



11-Am the Labour Court has committed an error of law apparent on the face of the record.

For the reasons mentioned above, this writ petition succeed and is hereby allowed. The impugned award is declared illegal and is hereby quashed. Case is remanded to the Labour Court for a fresh decision in the light of the observation made in this judgement. The Labour Court must decide the case within a period of two months from the date of the receipt of the copy of this order. The workman shall continue in service till passing of the fresh award. Registry is directed to immediately send the copy of this order to the Labour Court, Jalandhar.”

3. I have gone through the award and the earlier orders passed by this Court as well as the well-reasoned findings recorded on the principle of equity by balancing the rights of both the parties. This Court has also examined the case in hand and finds that for challenging the award dated 10.04.1996 (Annexure P-3), the writ petition was filed in the year 1997 and operation of the said award was never stayed.

Therefore, it appears that by disturbing the said award now by applying a hypertechnical approach and that too after about twenty eight years, would defeat the very purpose of the enactment of the Industrial Disputes Act, 1947, which is undoubtedly for the purpose of protecting the rights of the workman. Another fact pointed out by learned counsel for the petitioner, is that workman-Charan Singh was appointed in the year 1973, and by now he must have either retired after attaining the age of superannuation or must be at the advance stage of his life.

4. Considering the facts and circumstances of the present case, this Court does not find any reason to interfere with the well reasoned findings recorded by learned Labour Court. Thus, by maintaining the same, **the present writ petition is hereby dismissed.**

May 27, 2024
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[SANJAY VASHISTH]
JUDGE

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no