

CWP-2258-1997

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on : 30.01.2024

Ambala Central Coop. Cons Store Ltd.

. . . Petitioner(s)

Versus

Presiding Officer,
Labour Court, Ambala and another

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the petitioner(s).

Mr. Madan Pal, Advocate for
Mr. P.C. Chaudhary, Advocate
for respondent No.2.

SANJAY VASHISTH, J. (Oral)

1. Present writ petition has been directed by the Ambala Central Coop. Cons Store Ltd., Chandigarh Unit, Kothi No.1, Sector 22-A, Chandigarh through its General Manager, for quashing of order dated 24.10.1996 (Annexure P-6), passed by the Presiding Officer, Labour Court, Ambala, whereby, application No.113 of 1991, filed by respondent No.2 – Manohar Lal, peon (workman), under Section 33-C (2) of the Industrial Disputes Act, 1947 (in short, ‘ID Act’), was allowed and the petitioner – Management, was directed to decide the sanction of leave period of 630 days within three months, which respondent No.2 (workman), claimed as earned leave/medical leave from 07.03.1990 to 08.07.1992, during which, he remained absent without leave.

2. By way of said application, respondent No.2 – Manohar Lal, peon, submitted that he remained on leave from 01.03.1990 to 28.02.1991, and his medical leave for 130 days was sanctioned by the competent

authority. He further submitted that the bonus amount for the year 1990-1991, and traveling allowance amounting to Rs.726.25P, was never paid to him.

3. On the other hand, one witness Sh. Anand, Manager, appeared as RW-1, on behalf of the Management (petitioner herein), and deposed that respondent No.2 – workman, remained absent from 06.03.1990 to 07.07.1992. However, on account of the entitlement for earned leave, and medical leave, said witness deposed that respondent No.2, has been found entitled to 630 days of leave, on account of his due earned leave and medical leave. In the witness-box, he further admitted that for sanctioning of the said leave issue was forwarded to the competent authority, and same was awaited. Only final approval is required.

4. During the course of hearing before the learned Labour Court, learned representative appearing on behalf of the Management, firmly conceded that respondent No.2 – Manohar Lal, peon was allowed his due salary after the receipt of the approval/sanction from the head office. He also stated that he be granted three months period to decide the matter finally regarding the sanctioning of the leave, failing which, claim on account of the applicant (respondent No.2 herein) would be deemed to have been accepted.

5. After recording the said contention of the representative appearing on behalf of the Management, learned Labour Court, disposed of the matter by directing to decide the rights of the peon namely; Manohar Lal, within a period of three months and failing which, the prayer made by the peon – Manohar Lal, through application, shall be deemed to have been accepted in its entirety.

Observation recorded in paragraph No.7 of the impugned order

dated 24.10.1996 (Annexure P-6), is reproduced here-under also.

“7. The representative on behalf of the workman brought to my notice that though this applicant was filed on 6.9.1991 but the department did not bother to decide the case of the applicant regarding the sanctioning of leave for about 5 years. He fairly conceded that he has no objection if the department is given three months time to decide the matter as per the statement made by learned representative for the management at the bar. Keeping in view the facts and circumstances of the present case and fair concessions made by both the parties, I direct the management to decide the case of the applicant regarding the sanction of 630 days leave within 3 months failing which the application shall be deemed to have been accepted in toto. In view of the foregoing, this issue stands answered in these terms.”

6. This way, it is found that in the impugned order 24.10.1996 (Annexure P-6), there is no such finding by which, any right claimed by Manohar Lal (respondent No.2), has been accepted on merits by the learned Labour Court.

7. On the fair concession given by the representative, appearing on behalf of the Management (petitioner herein), there was a direction to decide the claim of the peon within time bound manner, i.e. within three months. Thereafter, no further development has been brought to the notice of this Court.

8. At this stage, it is also noticed that while issuing notice of

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motion on 17.02.1997, operation of the impugned order/direction dated 24.10.1996 (Annexure P-6), had been stayed. Thus, this Court finds that no reason has been recorded while staying the operation of the impugned order.

9. Considering all the aspects, as narrated in the writ petition and the documents appended with it, and after hearing the proxy counsel appearing on behalf of respondent No.2, this Court is of the view that there is no merit in the present writ petition, therefore, same is liable to be dismissed out-rightly.

10. Petition stands **dismissed**.

However, if any, cause of action still survives, either of the parties may move an appropriate application for revival of the present writ petition within a period of eight weeks from today.

Besides, let copies of this order be forwarded at the addresses of the petitioner – company and respondent No.2, as well.

(SANJAY VASHISTH)
JUDGE

January 30, 2024

J.Ram

Whether speaking/reasoned: *Yes/~~No~~*
Whether Reportable: *~~Yes~~/No*