



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4462-2000 (O&M)
Date of Decision:08.08.2024

RAM DULAR Petitioner

Versus

PEPSU ROADWAYS TRANSPORT CORPORATION AND ORS.

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Saksham Mahajan, Advocate
for the petitioner.

Mr. Anupam Singla, Advocate
for respondents No.1 and 2.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of award dated 04.08.1999 (Annexure P-11) whereby reference has been answered in favour of the respondent.

2. The petitioner was working with respondent as Plumber. He joined respondent on 20.06.1985 and proceeded on leave on 14.03.1999. The respondent is claiming that petitioner submitted resignation which was duly accepted whereas petitioner is claiming that resignation was withdrawn before its acceptance. The petitioner was having postal receipt, however, he was unable to prove that letter seeking withdrawal of resignation was actually received by Management. He, requested the Labour Court to summon record of respondent. Despite repeated orders,

the respondent did not produce record and Labour Court proceeded in the matter with the observation that presumption shall be drawn as permissible under law.

3. Learned counsel for the petitioner submits that despite drawing presumption against the respondent, the claim of petitioner was rejected on the ground that he has failed to prove that he had withdrawn his resignation. He submits that, at this stage, some lump sum compensation may be awarded instead of reinstatement.

4. Faced with this, learned counsel for the respondent submits that he leaves it for the Court to decide.

5. Without commenting upon merits of the case and with intent to resolve the issue, the present petition stands disposed of with a direction to respondents No.1 and 2 to pay ₹65,000/- as lump sum compensation to the petitioner.

6. Pending misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

08.08.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>