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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4885-2000 (O&M)
Date of Decision:25.10.2024

JAGDISH KUMAR

..... Petitioner

Versus

PRESIDING OFFICER, LABOUR COURT, GURDASPUR AND
ANR. Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. A.P.S. Sandhu, Advocate
for the petitioner.

Ms. Sarita Sanger, Advocate
for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226 and 227 of the Constitution of India is seeking setting aside of Award dated 07.02.2000 (Annexure P-5) whereby Labour Court has answered the reference against the workman.

2. The pleaded case of petitioner is that he worked with respondent from May' 1972 to September' 1976. He was retrenched in September' 1976. Thereafter, respondent framed a policy with respect to re-employment of retrenched employees. The petitioner participated in the selection process, however, he was not selected because of one or another reason.

3. The petitioner served a demand notice and matter came to be referred to Labour Court which by order dated 07.02.2000 (Annexure P-5) declined claim of the petitioner. The Court has come to the conclusion



that there is no order of termination and in the absence of challenge of order of dismissal or discharge or termination, the Labour Court cannot direct the Management to re-appoint the workman.

4. Mr. A.P.S. Sandhu, Advocate for the petitioner submits that petitioner was eligible as per policy of the respondent, however, he was wrongly rejected. He had completed requisite number of days, however, respondent rejected claim of the petitioner. It caused prejudice to him and Labour Court mechanically dismissed his claim.

5. Ms. Sarita Sanger, Advocate for respondent No.2 supported the award of the Labour Court.

6. I have heard the arguments and perused the record.

7. From the perusal of award, it is evident that petitioner worked till September' 1976. He was retrenched and he did not challenge order of retrenchment. He participated in the subsequent selection process and could not cut the ice. On his application, reference was made before the Labour Court which rejected his claim. The findings recorded by Labour Court are reproduced as below:

“4. The workman produced exparte evidence by examining himself as W.W.I. He reiterated the averments contained in the statement of claim about his employment as workcharged T.Mate from 1.5.72 and subsequent termination of services in 9/76. According to him, he filed many representations vide Ex. W1 dt. 10.8.79, Ex. S2 dt. 5.9.78, Ex.W3 dt. 11.9.79 and Ex. W4 dt. 20.7.96. He had been visiting the office of the respondent from 1980 to 6/96. But he was given only verbal assurance that he will be taken on duty. He again sent representation vide Ex. W4 dt. 20.7.96. He further admitted that advertisement for



accommodating the retrenched employees was made on 3.8.97 vide Ex. W5 and W6. He also applied for the post vide Ex. W7. He was called for interview vide Ex. W8 and W9. He was also called for interview vide Ex. W9. However, he was not sent any appointment letter. Many new persons were appointed after his termination.”

8. The petitioner worked with respondent till September’ 1976 and impugned order was passed on 07.02.2000 (Annexure P-5). The jurisdiction of Labour Court was limited and it could not ask the Management to re-appoint the petitioner.

9. This Court can examine validity of rejection order in case employer is State. The respondent herein is public sector undertaking, thus, Court can examine validity of rejection of claim of petitioner, however, at this belated stage, it is not just and fair to travel beyond the impugned order. There is no jurisdictional error or manifest infirmity in the impugned order warranting interference.

10. Dismissed.

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

(JAGMOHAN BANSAL)
JUDGE

25.10.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No