

CWP-7958-1997 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-7958-1997 (O&M)

Decided on : 13.02.2024

Darshan Dass

. . . Petitioner(s)

Versus

Presiding Officer, Labour Court,
Bathinda and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Harinder Sharma, Advocate
for the petitioner(s).

None for the respondent(s).

SANJAY VASHISTH, J. (Oral)

1. By way of present writ petition, petitioner – Darshan Singh (workman) has sought quashing of the award dated 03.03.1997 (Annexure P-7), passed by learned Industrial Tribunal-cum-Labour Court, Ludhiana (in short, ‘learned Tribunal’), whereby, reference under Section 10(1)(C) of the Industrial Disputes Act, 1947 (for brevity, ‘ID Act’), has been answered against him, while dealing with the issue “*as to whether the termination of the services of Darshan Singh – Workman is justified and in order, if so, to what relief, of what exact amount of compensation he is entitled ?*”.

2. After completion of the pleadings of the parties, following issues were framed by learned Tribunal:-

(i) *Whether the reference is not maintainable ?*

(ii) *Whether the reference is belated ?*

(iii) *Whether the termination of services of the workman is*

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justified or in order ?

3. It is the admitted case of the workman that he had gone for two days casual leave w.e.f. 12.07.1978 to 13.07.1978, due to the illness of his father. Thereafter, he could not join the service on account of the death of his father and also elder brother of his father. He submitted his arrival report on 12.09.1991. While considering the said aspect, learned Tribunal concluded that it is a clear cut case of abandonment from service, and there is no fault of the Management.

4. Conclusive finding recorded in paragraph No.9 of the award, says as here-under:-

“9. The workman, for the first time, after 13-7-78, submitted his arrival report on 12-9-91 i.e. after a period of 13 years from the date he had lastly attended the office. It is a clear case of misconduct on the part of the workman and it appears that the workman had himself abandoned his services with the respondents. The services of the workman were rightly terminated by the respondents for his remaining absent from duty willfully and knowingly. The workman is not entitled to any relief. The reference is answered accordingly.”

5. Neither there is any material available on record, nor any fresh material has been referred by counsel for the petitioner – workman while addressing arguments before this Court, that on what account his absence from the year 1972 to the year 1991 i.e. of about 13 years, should not be treated as his abandonment from service with the respondent – Management.

Thus, I do not find any substantial reason to deviate from

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the view point taken by learned Tribunal, and resultantly, while maintaining the award, present writ petition stands **dismissed**.

(SANJAY VASHISTH)
JUDGE

February 13, 2024
J.Ram

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