

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(Sr. No. 106)

LPA No.866 of 2023 (O&M)

Date of decision: 29.04.2024

Didar Singh

..... Appellant

Versus

**Central Government Industrial Tribunal-cum-Labour Court-II,
Chandigarh and another**

..... Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Manu K. Bhandari, Advocate and
Mr. Rohit Kataria, Advocate for the appellant.

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DEEPAK SIBAL, J. (Oral)

(1) Through the instant intra court appeal challenge is made to the judgment dated 25.02.2021 passed by a learned Single Judge of this Court dismissing the appellant's writ petition filed by him to challenge therein the Award dated 09.10.2019 passed by the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh (for short – the Labour Court).

(2) The appellant filed a civil suit before the Civil Court at Patiala through which he claimed that the respondent - Oriental Bank of Commerce, Patiala (for short – the Bank), on 07.10.1991, had appointed him as Clerk-cum-Cashier and that on 14.07.1994, without serving upon him any charge-sheet or conducting any inquiry, the respondent Bank had illegally

terminated his services. The Civil Judge (Junior Division), Patiala, through judgment and decree dated 24.08.2000 dismissed the appellant's suit. The Civil Judge was of the view that the appellant had voluntarily submitted his resignation and therefore, there was no question of termination of his services. The appellant challenged the judgment and decree passed by the Civil Judge through filing of an appeal which was dismissed on 12.11.2001 by the Additional District Judge, Patiala. Thereafter, the appellant preferred before this Court a regular second appeal being RSA No.3479 of 2003 which was permitted to be withdrawn with liberty to the appellant to seek any other remedy available to him, in accordance with law.

(3) In terms of the liberty granted by this Court the appellant raised an industrial dispute. The dispute was referred to the Labour Court where evidence was led by the contesting parties after consideration of which the Labour Court rejected the appellant's claim. Against such rejection the appellant knocked the doors of this Court through filing of a writ petition.

(4) A learned Single Judge of this Court dismissed the appellant's writ petition as he was of the view that the appellant's resignation had been duly proved before the Labour Court and that there was no worthwhile evidence led by the appellant to support his claim that his resignation had been obtained by the respondent-Bank by coercion.

(5) Learned counsel for the appellant contends that both the Labour Court and the learned Single Judge have erred in rejecting the appellant's claim as the resignation relied upon by the respondent-Bank had been obtained under duress; such resignation had been manufactured by the respondent-Bank only to cover up their act of illegally terminating the

appellant's services and that the resignation being relied upon by the respondent-Bank also contained the appellant's father's signatures which were in the Punjabi language but since the appellant's father only knew the Urdu language, it was clear that the said document had been fabricated by the respondent-Bank. In this regard attention of this Court was drawn to the bank opening form of the appellant's father on which his signatures were in the Urdu language as also to an affidavit dated 15.04.2002 of the appellant's father to the effect that he did not know the Punjabi language and that he knew only the Urdu language.

(6) The submissions made by learned counsel for the appellant have been considered.

(7) A perusal of the Award passed by the Labour Court through which the appellant's claim was rejected, clearly reveals that on the issue with regard to the appellant's resignation being fabricated, evidence had been led by the contesting parties, after consideration of which the Labour Court found that the respondent-Bank had duly proved the factum of the appellant having voluntarily resigned from his job. Such finding was returned after not only perusing the documentary evidence on record but also after going through the statements got recorded by the witnesses who had witnessed the appellant actually tendering his resignation. The Labour Court further found that the appellant had tendered his resignation in the presence of his father and that prior to such act on his part, there were some charges of embezzlement against him and to save himself from criminal prosecution, the appellant had tendered his resignation.

(8) The submission made on behalf of the appellant that he was coerced to tender his resignation was considered and concurrently rejected by both the Labour Court and learned Single Judge on the ground that in support of such plea the only evidence led by the appellant was his own bald statement as also the statement of his father who, as an interested person, would in any case support the appellant's claim. Both the Labour Court as also the learned Single Judge also did not find any worthwhile evidence produced by the appellant to support the plea that he was coerced into signing his resignation.

(9) We have scrutinized the afore concurrent findings returned by the Labour Court as also the learned Single Judge and find them to be reasonable as also based on consideration of the evidence led by the contesting parties.

(10) The plea raised on the appellant's behalf that his resignation was got signed from him under coercion, contradicts his plea that the said document had been manufactured by the respondent-Bank.

(11) The other plea raised before us that the signature of his father on the resignation in question had not been appended by his father has, after consideration of the evidence on record, been concurrently rejected by both the Labour Court and the learned Single Judge. In support of such plea reliance is placed on the appellant's father's affidavit dated 15.04.2002 and his bank account opening form dated 09.01.2002. Both these documents are dated about 08 years after the date of the resignation in question and therefore are also required to be discarded as an afterthought on the appellant's part.

- (12)Dismissed.
- (13)All pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

29.04.2024
sunil yadav

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No