



CWP-11981-2010

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CWP-11981-2010

Date of decision: 30.09.2024

JASPAL SINGH

....PETITIONER

Vs.

M/S KHURANA LITIES LTD. & ANR

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. A.P. Bhandari, Advocate
for the petitioner.

Mr. Sandeep K. Sharma, Advocate for
Mr. Gurinder Pal Singh, Advocate
for respondent No. 1.

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 02.06.2009 (Annexure P-11) whereby Labour Court has answered the reference against him.
2. The petitioner claims that he was appointed as Die Maker by respondent-Company on 15.03.1998. He was terminated by respondent on 24.04.2000 without conducting inquiry. He preferred a representation before Labour Authorities and matter came to be referred to Labour Court. It is apt to notice here that the reference was made in 2001.
3. Mr. A.P. Bhandari, Advocate submits that petitioner was terminated alleging absence from duty, however, without conducting inquiry. The respondent could not terminate petitioner without conducting inquiry. The act of respondent amounts to violation of service jurisprudence. No workman can be



terminated without conducting inquiry, if there is allegation of absence from duty.

4. Per contra, Mr. Gurinder Pal Singh, Advocate submits that petitioner abandoned his job we.f. 10.04.2000. He opted to remain absent. Multiple communications were made to him, however, he did not answer. As per Clause-6 of the appointment letter, if a workman remains absent for 10 days without permission, it is presumed that he has voluntarily abandoned his job and his name would be struck off from the roll of the company.

5. I have heard counsel for the parties and with their able assistance perused the record.

6. From the perusal of record, it is evident that petitioner did not work after 10.04.2000. He is claiming that as per cross-examination, he was continuously visiting factory after 02.04.2002 but Management did not permit him to join.

7. As per record, he started remaining absent from 10.04.2000, thus, there seems no question to draw inference in his favour from the fact that he started visiting factory from 02.04.2002. It rather proves that he was absent from 10.04.2000 onwards. The Labour Court has specifically noticed that respondent sent three notices asking the petitioner to join, however, he did not respond.

As per Clause-6 of the appointment letter, his name could be struck off from the roll of the company without notice, if he remains absent for more than 10 days without seeking permission. The petitioner remained absent from duty without permission for more than 10 days. He is only claiming that no inquiry was conducted with respect to his absence from duty. He is not disputing the fact that he did not work after 08.04.2000 and Management sent three notices dated 17.05.2000, 21.07.2000 and 18.09.2000. The inquiry ought to be



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necessary had the petitioner replied atleast to anyone of these letters. The last letter was sent on 18.09.2000. It discloses that from 08.04.2000 to 18.09.2000, he was not interested to continue work and he himself abandoned the job. His claim that he started visiting factory gate from 02.04. 2002 is meaningless.

8. In the wake of above facts and circumstances, this Court does not find any infirmity in the impugned Award dated 02.06.2009 (Annexure P-11) warranting interference.

9. Dismissed

30.09.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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