

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-10824-2015
Date of Decision: 07.02.2024

SDE PUBLIC HEALTH ENGINEERING DEPARTMENT AND ORS
.... Petitioner

Versus

KASHMIRI LAL AND ANR

....Respondents

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. P.C. Goyal, Addl. A.G., Haryana
for the petitioners.

Mr. Rahul Jain, Advocate for respondent No.1.

SANJAY VASHISTH, J.(Oral)

1. Petitioner-Management has challenged the award dated 01.01.2015 (Annexure P-6) passed by Presiding Officer, Labour Court, Ambala. Reference No.178/2013 filed by respondent No.1-workman under Section 10 (1) (c) of the Industrial Disputes Act, 1947, has been answered in his favour by holding that the termination of the respondent No.1-workman is illegal and he is entitled for reinstatement alongwith continuity in service and back wages with effect from November 2013 till the date of reinstatement.

2. Pledged facts in the claim statement are that workman was appointed as Peon by the Management on 16.04.2010 and worked

continuously till 23.06.2011. Suddenly, 26.03.2011 onwards, the services of the workman were terminated. Though, he was appointed on the post of Peon, but he was also assigned the work of distribution of bills, chowkidar and helper. The last drawn salary of the workman was Rs.3920/- per month. Further, pleaded that though, he had completed 240 working days in the preceding year of his termination, still he has been removed from the service without any notice, inquiry or charge sheet etc. Infact, even, no notice, pay or retrenchment compensation has been given. Thus, it was pleaded that the termination is in violation of the provisions of the Industrial Disputes Act, 1947.

3. On the other hand, in the reply filed by the Management-petitioner, a specific stand was taken that the workman never worked under the Management for the period alleged by the workman, whereas, he was employed with the Management/Department through one contractor.

4. In support of the stand taken by the workman, salary slips for the month of January 2011, February 2011, March 2011 and two other salary slips including that of May 2011 were produced on record and same were considered by the Labour Court. By counting the period from 16.04.2010 till May 2011, learned Labour Court reached to the conclusion that the workman has already completed 240 working days and therefore, in the absence of any evidence of

giving any notice etc. or even retrenchment compensation, termination was held to be illegal.

5. While assailing the said finding before this Court, Mr. P.C. Goyal, Addl. A.G, Haryana, submits that there is no strong and unimpeachable evidence to reach to the conclusion that the workman ever remained employed under the Petitioner-Management.

He further submits that the plea of appointment of the workman through the contractor has not been noticed seriously by the Labour Court.

6. I have examined the petition and heard learned counsel for the parties, and observed that the stand taken by the workman appears to be more plausible and truthful because his working with the Management is well proved with the salary slips, which was noticed by the Labour Court as well while passing the award in paragraph No.12. On the other hand, petitioner-Management has even failed to disclose the name of the contractor despite claiming that such contractor was licensed one, who was authorized to arrange services of such workers for the Management. Even, no such contractor has been produced by the Management in the witness box.

Therefore, this Court does not find any substantial reason to interfere with the well reasoned findings recorded by learned Labour Court. This Court is also well satisfied with the period, of grant of back wages, therefore, the award dated 01.01.2015

(Annexure P-6) passed by learned Labour Court is maintained and the present writ petition stands dismissed.

February 07, 2024	[SANJAY VASHISTH]
<i>rashmi</i>	JUDGE
Whether speaking/reasoned	yes/no
Whether reportable?	yes/no