

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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2024:PHHC:038736
CWP-1459-2016 (O&M)
Date of decision: 18.03.2024

THE PRINCIPAL SH GURU HARKRISHAN ..PETITIONER
INTERNATIONAL SCHOOL

VS.

PRESIDING OFFICER INDUSTRIAL ..RESPONDENTS
TRIBUNAL AND ANOTHER

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: None for the petitioner.

Mr. Amarjit Singh, Advocate
for respondent No.2.

SANJAY VASHISTH, J.(ORAL)

1. The present writ petition has been filed by the petitioner-The Principal Shri Guru Harkishan International School *inter alia* seeking for quashing of the award dated 09.02.2015 (Annexure P-3) whereby reference No.R-56 of 2007 has been answered in favour of respondent No.2-Ranjit Singh(Workman). Labour Court has ordered that the workman be re-instated on the post of driver from the date he was sacked. Entitlement of entire back wages along with interest at the rate of 12% per annum from 10.06.2006 till re-instatement has also been ordered along with direction to the Workman to report on duty within thirty days after publication of the award.

2. Counsel for the respondent No.2(Workman) refers to the order dated 07.02.2020 passed by this Court, which says as hereunder:-

“The present petition has been filed by the petitioner-The Principal Shri Guru Harkishan International School inter alia praying for quashing of the award dated 09.02.2015 (Annexure P-3).

Perusal of the award, specifically in para-3, shows that stand of the

Management is recorded. It is evident from the same that the stand of the Management was that workman was appointed as Driver to drive school bus purely on temporary/ad hoc basis. It is also recorded that his services are no longer required due to discontinuation of school bus service. The Industrial Tribunal vide award dated 09.02.2015, had directed the reinstatement of the workman, on the post of Driver from the date he was sacked and he was also held entitled to entire back wages along with 12 % interest p.a.

The records of the case show that on 25.01.2016, while issuing notice of motion, the contention of the petitioner was recorded as under:-

“Learned counsel for the petitioner has submitted that the petitioner is ready to reinstate respondent No.2 but is aggrieved by the part of the award whereby back wages along with interest has been awarded to him.

Notice of motion for 09.05.2016.”

On the resumed hearing of the case, learned counsel for the petitioner submits that the workman has not offered himself for joining. On the other hand, learned counsel for the respondent submits that only orally he was conveyed that he will be given a job through the out-sourcing agency.

Let the workman offer himself for job before the Management-petitioner/Principal on 27/28.02.2020 at 10.00 am. The Management in pursuance to their stand may offer a job to him which is expected and not from the out-sourcing agency. It is also expected that he will be given a job which will be fit his qualification and status. The parties may come on the next date of hearing with their respective offer so that the case can be finally disposed of.

List for final disposal on 12.05.2020.”

3. Mr. Amarjit Singh, representing respondent No.2/workman submits that in compliance to the order dated 07.02.2020, workman approached and

joined the service, but due to lack of work during the pandemic Covid-19, he was not allowed to join w.e.f. 09.06.2020. On the other hand, in order dated 21.03.2023, this Court has already recorded the aforementioned facts along with the recording of the contention of the petitioner, who stated that Management has never removed workman from service rather he himself abandoned the job. Management also stated that in case petitioner (workman) is willing to resume the work, he can do so within 10 days.

4. Mr. Amarjit Singh, Advocate for respondent No.2 submits that thereupon, petitioner/Management never allowed the workman to resume his duty.

For clarification of the said aspect, assistance of the petitioner is required but no one is there to represent on behalf of the petitioner. Thus, Court is left with no other option, except to dismiss the petition for want of prosecution. Therefore, present petition is dismissed for **want of prosecution**.

However, in case any substantive issue still exists along with a cause of action to the petitioner, liberty is granted to the petitioner to move an appropriate application for seeking revival of the present writ petition with the preparation to argue the matter, within eight weeks from today.

Disposed of.

March 18, 2024
Poonam Sharma

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No