

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CWP-2139-2013 (O&M)
Decided on : 25.04.2024

The Chand Bhan Co-operative Agricultural Service Society
... Petitioner(s)
Versus
Hardev Singh and another
... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. S.S. Bhinder, Advocate for
Mr. K.M. Garg, Advocate
for the petitioner(s).

Mr. H.S. Bedi, Advocate
for respondent No.1.

SANJAY VASHISTH, J. (Oral)

1. Petitioner i.e. The Chand Bhan Co-operative Agricultural Service Society Ltd., through its Secretary (Management) has filed the present writ petition, for seeking quashing of the award dated 09.10.2003 (Annexure P-7), passed by respondent No.2 – learned Labour Court, Bathinda, whereby, Reference No.78/2001, has been answered in favour of respondent No.1 – Hardev Singh (workman), on the basis of compromise between the parties.

2. The operative part of the impugned award (P-7) says as under:-

“Ref. No. 78/2001

Date of Institution: 15.3.2002

Date of Decision: 9.10.2003

Hardev Singh s/o Sh. Gurdit Singh, V.P.O. Gumti Khurd, Tehsil Jaitu Distt. Faridkot.

VERSUS

The Chandbhan Co-operative Agricultural Service Society Ltd., Chand through its President/Secretary Tehsil Jaitu, Distt. Faridkot.

Present: Workman with his rep. Sh. Pritam Dass

Sh. Bhupinder Singh Committee Member with Sh. Kulwinder Singh.

AWARD

This reference was sent by Additional Labour Commissioner, Punjab, Chandigarh vide endorsement No.ID/5316-17 dated 13.2.2001 for adjudication of the following Industrial Dispute between the Workman and the management mentioned above to this court under section 10(I)(C) of the Industrial Disputes Act, 1947:-

“Whether termination of services of workman Hardev Singh is justified and in order? If not so, to what relief, is he entitled?”

2. Today, the case was fixed for awaiting notification. Notification received. Both the parties have stated that parties have compromised and their statements be recorded.

3. Statements of Bhupinder Singh Committee Member recorded. He has stated that respondent Society has agreed to reinstate the workman with continuity of past service along with all service benefits and the resolution in this regard passed by the respondent society is Ex.-M/1. Then statement of workman Hardev Singh also recorded. He has stated that he has heard the above statement of Bhupinder Singh, Committee member of respondent Society, which is correct and as per compromise, he will join the duty with respondent on 15.10.2003.

4. In view of above statements of both the parties, this reference is accepted and stands answered accordingly. Workman is directed to join the duty with respondent on 15.10.2003. No order as to costs.

*Sd/- 9-10-03
(G.R. BANYAL)
Presiding Officer,
PTO”*

3. After answering of the reference in favour of the workman, the application for recalling of the order filed by the petitioner – Society through its Secretary, was also dismissed, as not maintainable vide order dated 13.07.2012 (Annexure P-11).

4. Thereupon, counsel for respondent No.1 – workman points out that at the first instance, the writ petition was filed before this Court by the petitioner – Society by challenging the order dated 13.07.2012 only, and it is thereafter that in the year 2018, writ petition was amended whereby, challenge was also made to the original award dated 09.10.2003 (P-7).

5. Learned counsel for respondent No.1 – workman raised another

objection that as per admitted position, till date, the resolution dated 01.10.2003 (Annexure P-6/T), with the help of which the Committee member of the Society, namely; Bhupender Singh, was authorized to enter into compromise before the Labour Court, has not been assailed before the authorities as per law, in any manner. Thus, submits that without there being any challenge or setting aside of the resolution, petitioner – Society cannot succeed in the present writ petition.

6. This Court is in agreement with the objection raised by counsel for respondent No.1 – workman. Thus, considering the long delay of making challenge to the original award dated 09.10.2003 (P-7), and in absence of any challenge to the resolution dated 01.10.2003 (P-6/T), till date, before any authority, under the Punjab Cooperative Societies Act, 1961, I do not find any reason to cause any kind of interference in the well reasoned impugned award dated 09.10.2003 (P-7) passed by learned Labour Court, which otherwise also, is based upon the settlement between the parties.

Thus, while maintaining the impugned award dated 09.10.2003 (P-7), present writ petition is hereby **dismissed**.

(SANJAY VASHISTH)
JUDGE

April 25, 2024

J.Ram

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

Whether Reportable: ~~Yes~~/No ✓