

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2024:PHHC:122512-DB



Letters Patent Appeal No. 2229 of 2024 (O&M)

Date of Decision: 17.09.2024

Managing Director and another

.....Appellants

versus

Gurpreet Singh and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL, JUDGE**

Present : Ms. Anju Arora, Advocate,
Ms. Alisha Arora, Advocate and
Ms. Manpreet, Advocate, for the appellants.

SHEEL NAGU, CHIEF JUSTICE (Oral)

CM No. 5310-LPA-2024

For the reasons mentioned in the application, delay of 77 days in filing the appeal is condoned. Application stands disposed of.

LPA No. 2229 of 2024 (O&M)

1. This intra-court appeal assails order dated 21.05.2024 passed by the learned Single Judge in Civil Writ Petition No.10464 of 2020 whereby the writ petition filed by the appellants was dismissed and the award dated 18.02.2020 passed by the Labour Court had been upheld by which the Labour Court had found termination of the workman falling within the category of illegal retrenchment and directed for reinstatement of the workman with continuity of service and payment of 50% backwages.

2. Learned counsel for the appellants has been heard at length.

3. The contention of learned counsel for the appellants-employer is that the workman had worked only from 04.02.2000 to 04.01.2001 and

therefore, he was not entitled for any relief as granted by the Labour Court vide award dated 18.02.2020. It is further submitted that the workman had been appointed for a particular kind of job i.e. completion of account records, which was over and therefore, due to expiry of the purpose for which he was appointed, his services were dispensed with on 04.01.2001.

4. After having gone through the record and perusing the findings of the Labour Court as well as of the learned Single Judge, we find that there is no substance in the submissions and contentions of learned counsel for the appellant for the following reasons:-

The workman had pleaded in his statement of claim that he had worked with the employer from 2000 to 2012 and to prove this fact his statement was recorded on oath and he had also produced another witness WW2-Jatinder Kumar, to support his statement. Documentary proof in the shape of Ex.W-5 to Ex.W-16 were also produced by the workman.

6. The Management on the other hand produced Shri Jugraj Singh, Regional Manager, Punjab State Forest Department Corporation, Punjab, as their witness, who averred that the workman worked from 04.02.2000 to 04.01.2001 only and subsequently he did not receive any salary from the employer.

7. The Labour Court while allowing the claim of the workman has relied upon certain documents produced by the workman, which were in the shape of Ex.W1 to Ex.WW3/A31. The aforementioned exhibits relate to the period between January-2001 to August-2012 thereby substantiating the claim of the workman to a considerable extent that he had worked till 2012.

8. The Management on the other hand did not produce any other oral or documentary evidence to rebut the aforesaid claim of the workman.

9. From the aforesaid analysis, it appears that the workman had established his case and therefore, the reference has been rightly answered by the Labour Court in his favour vide award dated 18.02.2020 which was properly upheld by the learned Single Judge.

10. At this juncture, learned counsel for the appellant-management submits that the workman ever since his termination has been gainfully employed. This Court is of the considered view that the appellant-employer is always at liberty to seek an affidavit in that respect from the workman that he was gainfully employed during the absence period or not and thereafter workout the pecuniary benefits flowing from this order.

11. With the liberty extended aforesaid, this Court does not find any reason to interfere to the order passed by the Labour Court as well as by the learned Single Judge.

12. With the aforesaid liberty granted, the petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

17.09.2024
ravinder

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