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

CWP-24593-2024**Date of Decision: 24.09.2024****MEENA**

..... Petitioner

*Versus***THE INDUSTRIAL TRIBUNAL AMRITSAR AND OTHERS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Raj Kaushik, Advocate
for the petitioner.

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 06.05.2024 (Annexure P-17) whereby Labour Court has answered the reference against the workman.

2. The petitioner was appointed as Ayya/Peon with respondent-Management w.e.f. 16.07.1999 and she worked till 11.07.2001. Her services were terminated on 12.07.2001 (Annexure P-1). On her demand notice, the matter came to be referred to Labour Court.

3. The parties amicably settled the issue. The authorized representative of petitioner made a statement before Labour Court that matter has been amicably settled and it may be disposed of as fully settled. The said statement was made on 01.03.2005 (Annexure P-2). On 11.03.2005 (Annexure P-3), the Labour Court disposed of reference as withdrawn, however, granted liberty to petitioner to raise the dispute



afresh. The petitioner again served a demand notice in 2007 and matter came to be referred to Labour Court by way of reference No.39 of 2008. The said reference was withdrawn on 15.04.2015 (Annexure P-4) with liberty to file afresh. The petitioner in 2016 again approached the authorities and matter came to be referred to Labour Court by way of reference No.85 of 2016. By impugned order dated 06.05.2024 (Annexure P-17), the Labour Court has dismissed the reference.

3. Mr. Raj Kaushik, Advocate for the petitioner submits that Labour Court has fell in error while passing impugned order. The earlier reference was not withdrawn voluntarily. There was wrong statement on the part of authorized representative, thus, liberty was granted to petitioner to file a fresh reference, if so desired and advised.

4. I have heard the argument and perused the record.

5. The authorized representative of petitioner appeared before Labour Court on 01.03.2005 (Annexure P-2) and made a statement that matter has been amicably settled and it may be disposed of as fully settled. The order dated 01.03.2005 (Annexure P-2) is reproduced as below:

“I withdraw the reference having been settled and the case may be disposed of as fully settled.”

6. The reference was disposed of vide order dated 11.03.2005 (Annexure P-3) with liberty to petitioner to raise the dispute afresh, if so advised. The relevant extracts of order dated 11.03.2005 (Annexure P-3) are reproduced as below:

“Sh. S.K. Shinda, authorised representative of the workman has made statement that he withdraws the reference with the right to raise it afresh. The



reference as such, stands disposed of as withdrawn. However, the workman shall be at liberty to raise the dispute afresh, if so advised. No order as to costs.”

7. The petitioner has not pointed out how the matter was not settled, what were terms and conditions of settlement arrived at on 01.03.2005 (Annexure P-2) and how respondent resiled from a statement/commitment. It appears that petitioner wants to make hay while the Sun shines. It appears that Labour Court ignoring statement dated 01.03.2005 (Annexure P-2) granted liberty to petitioner to raise the dispute afresh. The petitioner is trying to take advantage of said order. She served fresh demand notice in 2007 and reference was made in 2008. The said reference was also withdrawn in 2015. Serving of demand notice after 2 years from the date of amicable settlement itself indicates that petitioner is misusing process of law. The second reference was withdrawn and it did not detain the petitioner from further misusing the process of law. She filed third demand notice and matter was referred to Labour Court in 2016. The Labour Court has rightly dismissed reference considering act and commissions of the petitioner.

8. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

24.09.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No