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

**(249) CWP-14640-2001 (O&M)
Date of Decision : January 07, 2025**

Shadi Ram .. Petitioner

Versus

Presiding Officer and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.S. Maanipur, Advocate, for the petitioner.

None for the respondents.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioner is that the petitioner demanded the continuation of service as a Carpenter Master with the District Jail (Model Jail), U.T. Chandigarh, which benefit has been declined by the Labour Court vide impugned award dated 15.03.2001 (Annexure P-9).

2. Learned counsel for the petitioner submits that the petitioner was a convict serving life imprisonment and was serving his sentence within the jail premises since the year 1969 and was transferred to the Model Jail, U.T. Chandigarh in January 1974. The petitioner was released from the jail on 18.10.1976 on completion of his sentence.

3. As per the petitioner, while serving the sentence, the petitioner was working as a Carpenter in the jail premises and after the completion of the sentence, the petitioner continued working there to teach the jail inmates the craft of Carpentry. As per the petitioner, his services were terminated in



the year 1989 and he approached Central Administrative Tribunal for adjudication of his case which was withdrawn and ultimately, demand notice was served by the petitioner under Section 2-A of the Industrial Disputes Act on 07.07.1994 that the termination of the services of the petitioner in March 1989 is bad. The Labour Court considered the said aspect but ultimately found that there was no appointment order in favour of the petitioner and the record of his work could not be perused because the same had already been destroyed by the time the demand notice was served and further that as per the respondents, the petitioner abandoned the job and his claim was accordingly rejected.

4. Learned counsel for the petitioner submits that once, after being released from the jail in the year 1976, the petitioner worked for a period of 13 years with the jail authorities, the services of the petitioner could not have been dispensed with hence, the respondents are under an obligation to treat the petitioner on the post of Carpenter Master and he should have been reinstated.

5. I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

6. From the record, it transpires that while the petitioner was a prisoner in the Model Jail, he was working as a Carpenter as per the jail manual. After the sentence was completed in the year 1976, according to the petitioner, he continued working as such but there is no such appointment order that showed that the petitioner was working.

7. As per the respondents, the petitioner had a quarrel with a prisoner in the year 1989 and thereafter, he did not come to jail premises

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and therefore, it cannot be said that any service being rendered by the petitioner was terminated rather the petitioner left on his own and therefore, Section 25 F of the Industrial Disputes Act, 1947 will not be applicable.

8. Once, the petitioner abandoned the services being provided by him, it cannot be said that the services of the petitioner were terminated by the jail authorities. Further, it is not clear as to for what period, the petitioner served the jail authorities as a Carpenter after completing his sentence. The record had already been destroyed.

9. Moreover, the allegation of the petitioner is that his services were terminated in the year 1989 but the demand notice was served in the year 1994. Once, there is a sufficient period between the year 1989 and 1994 and the record had already been destroyed keeping in view the Rules for destroying the record, the Tribunal has rightly come to the conclusion that the petitioner has not been able to prove his case that he was in continuous appointment as no such appointment order was brought on record. Further, the fact that the petitioner had a quarrel with some prisoner and thereafter, stop coming to the prison, has also gone un-rebutted. In the facts and circumstances of the present case where a finding has been recorded that the petitioner had abandoned the job, which facts have gone un-rebutted and no perversity in the award has been pointed out, needs no interference at the hands of the Court qua the impugned award.

10. Accordingly, the writ petition is dismissed.

January 07, 2025*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No