



CWP-11829-2025

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

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CWP-11829-2025

Date of Decision :30.04.2025

Harinder Pal

...Petitioner

Versus

**Presiding Officer, Industrial Tribunal, Patiala
and others**

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ravi Gakhar, Advocate for the petitioner.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, challenge is to impugned award dated 20.11.2024 (Annexure P/1) passed by the Presiding Officer Industrial Tribunal, Patiala by which, the claim of the petitioner-workman that his service was wrongly terminated by the respondents, has been rejected by the Labour Court. Hence, it is the prayer of the petitioner that the impugned award be set aside and the petitioner be granted with benefit of reinstatement in service along with all the consequential benefits.

2. Learned counsel for the petitioner-workman argues that the findings which have been recorded by the Labour Court in its award impugned are incorrect and therefore, the same are liable to be set aside. Learned counsel for the petitioner-workman submits that the stand taken by the respondent-Corporation that the petitioner-workman had resigned from service has been accepted by the Labour Court and certain reasons have been given for recording the said findings,



which are incorrect.

3. Learned counsel for the petitioner-workman further submits that the petitioner-workman is entitled to be reinstated in service on the post on which the petitioner-workman was working with the respondent-Corporation alongwith all consequential benefits.

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

5. The effort of the petitioner-workman is that the evidence which has been brought on record should be re-appreciated by this Court in order to record a finding which is to the liking of the petitioner-workman.

6. It is a settled principle of law that the findings recorded by Tribunal cannot be re-appreciated on the basis of the facts or evidence which have already come on record. The contention of the litigant challenging an award is to be appreciated in case, there is a perversity in the findings, which have been recorded qua the evidence and the facts which have already come on record.

7. In the present case, the Labour Court has recorded a finding that the petitioner-workman had resigned from service through an email and starting from 12.10.2016, the petitioner-workman left the job with respondent-Corporation and did not perform the duties with the respondent-Corporation. Even he never joined the service back after availing the leave which was sanctioned by the respondents till 12.10.2016. Further, a finding has been recorded by the Tribunal that from 13.10.2016, the petitioner-workman joined another organization namely, *Dainik Savera* and is still working with the said organization and keeping in view the said fact, a

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finding has been recorded by the Labour Court that once, the petitioner-workman had tendered his resignation through an email on 26.09.2016 and thereafter, never performed his duties with the respondent-Corporation coupled with the fact that he had joined another organization, therefore, it is a case where the petitioner-workman, had left the job upon resignation and not a case of termination. The said findings have rightly been recorded by the Labour Court as the said facts have gone unrebutted.

8. Further, the reason for not accepting the claim of the petitioner-workman that the service of the petitioner-workman has been wrongly terminated is that there is no order by the respondent-Corporation terminating the service of the petitioner-workman which has been brought on record. In the absence of any order terminating the service of the petitioner-workman, the allegation that service of the petitioner-workman has been wrongly terminated by the respondent-Corporation, has rightly been rejected by the Labour Court. The evidence which has come on record has been appreciated in totality to record a finding. This Court will not interfere in the said finding once, the said finding is plausible one keeping in view the facts and circumstances of the present case coupled with the evidence which has been brought on record.

9. Keeping in view the totality of the facts and circumstances as the finding recorded by the Labour Court has not been proved to be perverse either to the evidence or facts on record, no ground for interference by this Court is made out and the writ petition is accordingly dismissed in limine.

April 30, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No