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

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Date of Decision :28.05.2025

Kuldeep Raj

...Petitioner

Versus

**Additional District & Sessions Judge, Presiding Officer
Industrial Tribunal, Amritsar and another**

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**Present:-** Mr. Manoj R. Sharma, Advocate for the petitioner.

Mr. Vikas Singh, Advocate for respondent No.2.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the award dated 08.08.2023 (Annexure P/4) passed by the Presiding Officer, Industrial Tribunal Amritsar by which, the claim of the petitioner-workman that his services have wrongly been terminated by the respondent No.2-Sugar Mill, has not been accepted.

2. Learned counsel for the petitioner-workman argues that the petitioner-workman had rendered 18 years of service with the respondent No.2- Sugar Mill but as he fell ill and therefore, he could not perform his duty, the respondent No.2 conducted exparte disciplinary proceedings against the workman and by proving the charge of unauthorized absence from duty, the services of the petitioner were terminated.



2. Learned counsel for the petitioner submits that said order of termination from service was challenged by the petitioner before the Labour Court and the Labour Court had given a finding that since the petitioner-workman stopped performing his duties and the said allegation of unauthorized absence from duty was proved against the petitioner-workman hence, no benefit can be granted to the petitioner-workman.

3. Learned counsel for the petitioner-workman argues that once the petitioner-workman was not well, he could not have discharged the duty he was assigned, which factor has been ignored by the respondent No.2-Sugar Mill as well as by the Labour Court so as to decline the claim of the workman hence, keeping in view the fact that petitioner-workman was not well, the Labour Court is liable to be directed to consider the claim of the petitioner-workman afresh so as to decide that whether the petitioner-workman can be reinstated in service or not.

4. Learned counsel appearing for the respondents submits that the petitioner-workman abandoned the job as he stopped coming to the job willfully and thereafter, the disciplinary proceedings against the said allegation were initiated against him and he did not associate himself with the said disciplinary proceedings and ultimately, after proving the charges alleged against him, the services of the petitioner-workman were terminated on 19.09.2013 and even the reference raised before the Labour Court qua the said order of termination was raised by the petitioner-workman after a period of four years, which fact shows that the petitioner-workman was not interested in performing the duty.

5. Learned counsel for the respondents further submits that



nothing has come on record which could show as to with which ailment the petitioner-workman was suffering from, as no medical record of his illness has ever been produced before the Labour Court by the petitioner-workman which could prove the said averment of the petitioner-workman that his absence from duty was not willful but a forced one.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. Once, it is a conceded position that the petitioner-workman stopped performing his duties on account of alleged medical ailment, for proving of which no medical record has never been produced by the petitioner-workman before any authority therefore, it cannot be said that the petitioner-workman was suffering from any medical ailment which forced his absence from performing the duty.

8. Further, the charge of unauthorized absence was alleged against the petitioner-workman and the same was proved and the enquiry qua the said allegation was held as per law. After the enquiry order terminating the services of the petitioner-workman was passed, the same has already been upheld by the Tribunal vide its order impugned.

9. The Court can interfere with the impugned award in case any perversity on the basis of the evidence and facts which have already brought on record, has been brought to the notice of the Court.

10. In the present case, learned counsel for the petitioner-workman has failed to prove that the impugned award is perverse to the evidence and facts, which have already come on record. Further, the petitioner-workman has not been able to prove even before this Court that he was suffering from

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any ailment due to which, he failed to discharge the duty and his absence from duty was not willful but a forced one.

11. Keeping in view the totality of the facts and circumstances of the present case, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

12. Civil miscellaneous application pending, if any, is also disposed of.

May 28, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No