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

(217)

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Date of Decision : 28.08.2025

Dinesh Kumar

...Petitioner

Versus

Presiding Officer, Industrial Tribunal cum
Labour Court, Amritsar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Raj Kaushik, Advocate and
Mr. R.S. Sharma, Advocate
for the petitioner.

Mr. Sanjay Singh, Advocate
for respondents No.2 and 3.

KULDEEP TIWARI, J.(ORAL)

1. The instant petition is preferred by the petitioner/workman, against the award dated 01.03.2012 (Annexure P-4), passed by the learned Industrial Tribunal, Amritsar, wherethrough, the reference was answered against the petitioner/workman.

2. Succinctly, the petitioner/workman was engaged with the company, as a Page Maker, on 20.07.2006, through an appointment letter dated 11.07.2006, and was posted at Amritsar Office of Dainik Bhaskar, and his last drawn pay was Rs.7,200/- per month. According to the petitioner, on 20.12.2008, he was called by one, Mr. Vinod Sharma, HR (representative of the Management), in his office, and was asked to sign on some papers.



On enquiring about the papers, he was informed that he is to only sign on the papers, and he was not allowed to read the same. The petitioner's signature was obtained on those papers, under the threat and coercion, and without giving chance to ascertaining the purpose of those papers.

3. Thereafter, the petitioner was informed that his services were terminated, and he was paid one month's extra salary, in addition to the salary for the month of December, 2008. It was further pleaded that the petitioner/workman, on 29.12.2008, wrote a letter to the General Manager of Dainik Bhaskar, to this effect. However, his letter was not accepted by the said General Manager. Raising the issue of infraction of provisions of Section 25(f) of the Industrial Disputes Act, 1947 (for short 'the ID Act'), the petitioner has challenged his termination from the service. It was also alleged that the person junior to the petitioner/workman, was retained in service by the Management, whereas, despite the blotless work and conduct of the petitioner, he was victimized.

4. The respondent-Management has caused appearance during the conciliation proceedings, before the learned Assistant Labour Commissioner, denied the allegations, and produced two documents. One of the documents pertains to the resignation, allegedly tendered by the petitioner/workman. The claim of the petitioner was contested by the Management. It was denied that on the asking of Mr. Vinod Sharma, HR, the workman has signed on the papers. It was specifically denied that under the threat and coercion, signatures of the petitioner/workman were obtained on the papers already prepared. It was further pleaded on behalf of the Management that services of the petitioner were never terminated, and as such, the question of making



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compliance to the provisions of the ID Act, does not arise. The positive case, as put up by the Management, is that the petitioner has voluntarily resigned from the service.

5. Both the parties led evidence in order to substantiate their respective pleadings. Learned Tribunal has found that there is no error on the part of the Management, and the petitioner has miserably failed to prove that his resignation was obtained under the threat and coercion, and finally, the learned Tribunal concerned, has answered the reference against the petitioner/workman.

6. Learned counsel for the petitioner submits that there is no occasion for the petitioner to tender his resignation. Rather, it is a case of oppression on behalf of the Management, which clearly falls under the ambit of unfair labour practice. He further draws the attention of this Court, towards the statement of workman/petitioner, who stepped into the witness box as WW2, to substantiate that the pleadings as encompassed in his claim petition, is duly supported by the evidence. He also submitted that in the cross-examination, the Management is unable to impeach the credibility of the statement of the petitioner/workman. Finally, he submits that on 29.12.2008, the petitioner/workman wrote a letter to the Management, about the conduct of Mr. Vinod Sharma, HR. However, the said letter was not taken into consideration by the learned Tribunal concerned, while dismissing his claim petition. It was also submitted that after submission of his letter (supra), the Management ought to have conducted an enquiry, and thereupon only, should have proceeded to terminate the services of the petitioner/workman. However, absence of the same is clearly an infraction of principles of natural justice.



7. On the other hand, learned counsel for the respondent-Management, has vociferously opposed the submissions, as made by the learned counsel for the petitioner. He submits that it is a case with no evidence. Except the bald statement, nothing has been produced on record, to establish that the resignation submitted by the petitioner, is the result of threat, coercion or undue pressure. He further submitted that the petitioner has willfully submitted his resignation, on 20.12.2008, which was accepted and the workman received the full and final settlement of Rs.16,435/-, vide receipt of the same day. Therefore, the petitioner is not entitled to raise his claim, at this stage, that he has not submitted his resignation. He further submitted that the petitioner is an educated person, and he knows the implication of signing any document. Finally, he submits that the document dated 29.12.2008, is an afterthought document, and it is not the part of the record of the Management.

8. This Court has considered the rival submissions as made by the learned counsel for the parties concerned, and has also perused the impugned award, passed by the learned Tribunal.

9. With the able assistance of the learned counsel for the parties concerned, this Court, has tried to find out any evidence, which could prove the case of the petitioner, to the effect, that his resignation dated 20.12.2008, is the result of threat, coercion or undue pressure, by the Management. Except the bald statement of the petitioner, nothing has come on the record, to establish that the petitioner has submitted a letter dated 29.12.2008, to the Management. The petitioner has failed to prove this submission.

10. It is a clear cut case, where the petitioner, after submitting his resignation with the Management, has subsequently, filed the claim petition,



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which in the considered opinion of this Court, does not carries any merit. The petitioner, has to stand on his own feet, at least, to establish *prima facie* the pleadings, as cast under the claim petition. There is nothing in the instant petition, for this Court, to take a divergent view, with the stand taken by the learned Tribunal concerned.

11. Consequently, finding no merit in the instant petition, the same is hereby **dismissed**.

(KULDEEP TIWARI)
JUDGE

August 28, 2025
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No