



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

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**CWP-25164-2021 (O&M)
Decided on :29.07.2025**

VIVEK KUMAR

..Petitioner

Versus

PRESIDING OFFICER INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT II GURUGRAM, HARYANA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Sanjeev Patyal, Advocate for the petitioner.

None for the respondents.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the challenge is to the impugned award dated 24.01.2020 (Annexure P-1), by which, the labour Court has dismissed the claim of reinstatement with continuity in service alongwith full back wages raised by the petitioner on the ground that his services have been terminated in an illegal and arbitrary manner.

2. Learned counsel for the petitioner argues that the petitioner was transferred by the respondents -management from Gurugram to Calicut (Kerala) and keeping in view the said fact, the same amounted to termination of services of the petitioner and hence, the transfer order dated 23.05.2014 of the petitioner should be cancelled and the petitioner should have been allowed to continue in service in Gurugram which aspect has not been appreciated by the labour Court which passing the award dated 24.01.2020 (Annexure P-1) in the correct perspective.

3. Learned counsel for the petitioner further submits that in pursuance to the transfer order dated 23.05.2014, the petitioner went to join the transfer place of posting but he was not allowed to join at transfer place



of posting which was Calicut, therefore, even otherwise, the same will amounts to termination.

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

5. It may be noticed that the Labour Court has recorded the findings that as per the appointment letter of the petitioner, Exhibit-M-7 the management was within the jurisdiction to transfer the petitioner anywhere in India or abroad. That being so, the claim of the petitioner that the transfer order of the petitioner from Gurugram to Calicut is without jurisdiction, cannot be accepted.

6. The argument of the petitioner that he was not allowed to join at the transfer place of posting i.e. Calicut, respondents-management has proved that the petitioner has not joined the transfer place of posting in pursuance to the transfer order which findings has also been recorded by the Labour Court in the order impugned i.e. 24.01.2020 (Annexure P-1) and the said findings remained unrebutted.

7. Even otherwise, the Award dated dated 24.01.2020 (Annexure P-1) of the Labour Court can only be interfered in case the same is perverse to the facts or law. In the present case, no perversity has been shown to this Court in the aforementioned impugned Award that the same is contrary to the facts or the settled principle of law.

8. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

9. Accordingly, the writ petition is dismissed.

10. At this stage, learned counsel for the petitioner submits that as some of wages are still due and the petitioner be given liberty to avail



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appropriate remedy in accordance with law for claiming the said wages.

11. Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

29.07.2025

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Whether speaking/reasoned: Yes/~~No~~

Whether Reportable: ~~Yes~~/No