



CWP-18314-2017 and other connected cases :1

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

255 (4 cases)

**CWP-18314-2017 (O&M)
Date of decision : 20.02.2025**

INDIAN SOLID WOVEN INDUSTRIES

..... Petitioner

VERSUS

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AMRITSAR & ANR

..... Respondents

2.

CWP-18950-2017 (O&M)

INDIAN SOLID WOVEN INDUSTRIES

..... Petitioner

VERSUS

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AMRITSAR & ANR

..... Respondents

3.

CWP-18956-2017 (O&M)

INDIAN SOLID WOVEN INDUSTRIES

..... Petitioner

VERSUS

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AMRITSAR & ANR

..... Respondents

4.

CWP-18994-2017 (O&M)

INDIAN SOLID WOVEN INDUSTRIES

..... Petitioner

VERSUS

PRESIDING OFFICER INDUSTRIAL TRIBUNAL AMRITSAR & ANR

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Rajesh Punj, Advocate,
Mr. Sahaj Punj, Advocate and
Mr. Sarvesh Rattan, Advocate
for the petitioner.

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Mr. C. S. Singhal, Advocate
for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

1. By this common order, four writ petitions, the details of which have been given in the heading, are being decided together as these petitions involve the same question of law on similar facts and the facts are being taken from CWP-18314-2017.

2. In the present petition, the challenge is to the award dated 05.05.2017 (Annexure P-9) by which, it has been held that the services of the respondent-workman has been terminated without following the provisions of Industrial Disputes Act, 1947 including the retrenchment compensation and further that the employer was exploiting the workman who was illiterate.

3. Learned counsel for the petitioner argues that once, the workman had settled his dues with the respondents which is clear from the Ex.RG (Annexure P-1) that he has been paid his entitlement upto 31.03.2015. The workman contending that his services have been terminated, has wrongly been accepted by the Labour Court so as to set aside the said termination.

4. Learned counsel for the petitioner further submits that as per the letter Ex.RG (Annexure P-1), the workman has mentioned that he is leaving the job from 31.03.2015 and that he has received settlement in full while leaving the job, which fact has been ignored by the Labour Court so as to direct the reinstatement of the workman.

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5. The prayer of the petitioner is to set aside the impugned award passed by the Labour Court dated 05.05.2017 (Annexure P-9). Learned counsel for the workman submits that the workman has worked with the petitioners for a period of 26 years and without any notice, charge sheet or enquiry, or following with the provisions of the Industrial Disputes Act 1947 including Section 25 F, 25 G and 25 H, the services of the respondent-workman have been terminated and after appreciating the facts/evidence which had come on record, the termination was found to be bad by the Labour Court vide its award dated 05.05.2017 and the benefit of reinstatement has been granted which award may kindly be upheld.

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

7. It is a conceded position that the workman had worked with the petitioner-establishment for a period of 26 years starting from 07.05.1989 to 01.04.2015. The only contention being raised by the learned counsel for the petitioner in the petition is that the respondent-workman had left the job on his own as he had got the job with another firm and thereby, he was paid in full and a final settlement was reached which is clear from Ex.RG (Annexure P-1). It may be noticed that the said argument has been dealt with by the Tribunal also in Paragraph 13 of the impugned award and that too on the basis of the evidence which has come on record. Learned counsel for the petitioner have not been able to deny the fact that on every financial year end, the petitioner-establishment used to take a certificate from the workman stating therein that they have taken full and final settlement and he is leaving

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their job. The Tribunal has categorically held that such kind of certificates were available on record for the year 2008, 2009, 2010 and upto the date when the services of the respondent-workman were terminated in the year 2015.

8. Learned counsel for the petitioner has not been able to rebut the said evidence which has been noticed and appreciated by the Labour Court in paragraph 13 of the award. That being so, the finding recorded by the Labour Court vide its order dated 05.05.2017 that the petitioner was manipulating the workman and the same amounted to exploitation and the workman who was illiterate were being made to sign such certificate so that, when the time comes a false plea can be taken by the employer so as to avoid the payment of retrenchment compensation. The conduct of the petitioner itself should be a ground to dismiss the present writ petition.

9. Even otherwise, once the workman has worked for 26 years with the petitioner, and no retrenchment compensation has been paid which fact has gone unrebutted, hence, it cannot be said that the termination of the services of an employee without retrenchment compensation, is valid. The findings which have been recorded by the Tribunal have gone unrebutted.

10. Further, the Court can only interfere in the finding in case, the same are to be proved perverse either to the facts or to the evidence. The learned counsel for the petitioner has not been able to prove that any of the finding recorded by Labour Court is perverse to any fact or evidence rather, the same have been proved on the basis of the evidence.

11. In view of above, no ground is made out for any inference by



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this Court and present petitions are dismissed.

- 12. Pending applications, if any, also stand disposed of accordingly.
- 13. A photocopy of this order be placed on the connected case files.

20.02.2025
Rimpal

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No