

2025.PHHC.046972-DB



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

LPA-3386-2024 (O&M)

Date of decision: 04.04.2025

MEENA

.....Appellant

Versus

THE INDUSTRIAL TRIBUNAL, AMRITSAR & ORS.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present:- Mr. Raj Kaushik, Advocate and
Mr. Harsh Vardhan, Advocate for the appellant.

SUDHIR SINGH, J.

Challenge in the instant intra Court appeal is to the order dated 24.09.2024 passed by the learned Single Judge, whereby the writ petition filed by the appellant was dismissed.

2. Before the learned Single Judge, the appellant had laid challenge to the award dated 6.05.2024 (Annexure P-17 with the writ petition), whereby the Labour Court had answered the reference against her.

3. As per the facts on record, the appellant was appointed as Ayya/Peon with the respondent-Management w.e.f. 16.07.1999 and she worked as such till 11.07.2001. She was retrenched on 12.07.2001. On a demand notice, a reference was made to the Labour

Court. The said reference was disposed of as withdrawn by the Labour Court on 11.03.2005 and the appellant was granted a liberty to raise the dispute afresh, if so advised. Again, a demand notice was served by the appellant and the same came to be dismissed as withdrawn vide order dated 15.04.2015, passed by the Labour Court. The appellant again approached the authorities in 2016, but the reference made to the Labour Court was dismissed vide order dated 06.05.2024 passed by it.

4. As noticed above, the learned Single Judge, vide the impugned order has dismissed the writ petition filed by the appellant challenging the order/award dated 06.05.2024, passed by the Labour Court.

5. Learned counsel for the appellant has vehemently argued that before the learned Single Judge, it was argued that the earlier withdrawal of the reference was not voluntary and the authorized representative of the respondent-Management had made an incorrect statement before the Labour Court, but the learned Single Judge, has wrongly discarded the said argument and hence, the impugned order is liable to be set aside.

6. It is not disputed that the earlier two references were disposed of as fully settled and/or dismissed as withdrawn after recording the statements of the appellant through her authorized representative. It seems that the appellant was taking benefit of the liberty granted to her by the Labour Court and which is why after passing the first award/order dated 11.03.2005, the matter was again

got referred to the Labour Court by her in 2007, which was dismissed as withdrawn on 15.04.2015. The 3rd reference made to the Labour Court and at her instance came to be decided by the award dated 06.05.2024, which was the subject matter of adjudication before the learned Single Judge.

7. Though the learned counsel for the appellant has tried to make out a case that the withdrawal of the earlier references was not a voluntary act of the appellant, yet nothing has been pointed out as to how and under what circumstances the statement(s) was made by the appellant and/or her authorized representative. The learned Single Judge as also the Labour Court, both have rightly found that the appellant was not entitled to any indulgence in view of the acts and conduct of the appellant.

8. We find that the impugned order passed by the learned Single Judge, does not suffer from any patent illegality or perversity, warranting interference by this Court, in the present appeal.

9. Pending application(s), if any, shall also stand disposed of.

[SUDHIR SINGH]
JUDGE

[SUKHVINDER KAUR]
JUDGE

04.04.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No