

CM-12069-CWP-2024 in/and
CWP-36621-2019 (O&M)

2025:PHHC:035771



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112+287)

CM-12069-CWP-2024 in/and
CWP-36621-2019 (O&M)
Date of Decision : 17.03.2025

M/s Sukh Chain Gear

...Petitioner

Versus

Industrial Tribunal-cum-Labour Court-III, Faridabad and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Aditya Jain, Advocate and
Mr. Rahul Vohra, Advocate for the petitioner.

Mr. Gaurav Gupta, Advocate for
Mr. Gaurav Singla, Advocate for respondent No. 2.

Harsimran Singh Sethi J. (Oral)

CM-12069-CWP-2024

Present application has been filed for placing on record written statement filed on behalf of respondent No. 2.

Application is allowed and written statement filed on behalf of respondent No. 2 is taken on record with all just exceptions.

CWP-36621-2019 (O&M)

1. In the present petition, the challenge is to the Award dated 16.10.2019 passed by the Labour Court by which, the benefit of lump sum compensation of ₹2 lacs have been awarded in favour of respondent No. 2-Workman.



2. Learned counsel for the petitioner-Company argues that there was no termination of the services of the respondent No. 2-Workman and rather, the respondent No. 2-Workman had taken a loan of ₹57,000/- while in the employment and when the same was asked to be deposited back, Workman abandoned his job and left w.e.f. 12.03.2015 and thereafter, raised a claim that his services have been terminated, which fact has not been appreciated by the Labour Court in the correct perspective while granting the benefit of lump sum compensation of ₹2 lacs to the respondent No. 2-Workman. Learned counsel submits that it is a case of abandonment of job and not termination, hence, the Award dated 16.10.2019 passed by the Labour Court may kindly be set-aside.

3. Learned counsel appearing on behalf of respondent No. 2-Workman submits that the story has been concocted by the petitioner-Company to show that the respondent No. 2-Workman abandoned the job, whereas the facts were different as the services of the respondent No. 2-Workman was terminated as on 11.03.2015 that too without notice and only lump sum compensation of ₹2 lacs has been awarded by the Labour Court, which is perfectly valid and legal as, while terminating the services of the respondent No. 2-Workman, the provisions of Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act') was violated by the petitioner-Company.

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



5. The only ground which has been taken by the petitioner-Company is that the present case is of abandonment of job by the respondent No. 2-Workman as, he had taken a loan of ₹57,000/- from the petitioner-Company, which was not being returned and in order not to repay the said amount, the respondent No. 2-Workman had abandoned the job.

6. On being asked to point out any material evidence which has been brought on record so as to claim back the alleged loan of ₹57,000/- after the abandonment of the job by the respondent No. 2-Workman, learned counsel for the petitioner-Company very fairly concedes that no such material evidence has been brought on record. It cannot be said that the petitioner-Company which is claiming that respondent No. 2-Workman had taken a loan of ₹57,000/- and in order to avoid the said payment, he had abandoned the job, will not file even a police complaint to get the said amount back, especially when the grievance is being raised by the respondent No. 2-Workman qua the termination of services.

7. Further, nothing evident has been brought on record as to how ₹57,000/- was given by the petitioner-Company as loan, which the respondent No. 2-Workman was not returning. In the absence of any such record, the argument/story being put forward by the petitioner-Company to contend that the respondent No. 2-Workman had abandoned the job, has rightly not been accepted by the Labour Court.

8. Learned counsel for the petitioner-Company submits that all the material evidences brought on record were not taken into account while passing the impugned Award dated 16.10.2019. It may be noticed that in



case the arguments raised by the petitioner-Company has been disbelieved and it has been accepted that the respondent No. 2-Workman was working with the petitioner-Company, in the totality of the circumstances, the Award passed by the Labour Court needs no interference as no perversity has been shown to this Court.

9. No other argument is raised.

10. Keeping in view the above, no ground is made out for any interference by this Court in the impugned Award dated 16.10.2019.

11. Dismissed.

12. Pending miscellaneous application, if any, also stands disposed of.

March 17, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No