



CWP-7995-2001

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

(213)

CWP-7995-2001

Date of Decision : 15.01.2026

Tej Ram

...Petitioner

Versus

Presiding Officer, Industrial Tribunal
cum Labour Court-I, Faridabad and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Bhagyashri, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Manoj Sood, Advocate
for respondents No.2 and 3.

KULDEEP TIWARI, J. (ORAL)

1. The petitioner, a workman has challenged the impugned award dated 09.08.2000 (Annexure P-6), passed by the respondent No.1, by filing the instant writ petition cast under Article 226/227 of the Constitution of India, wherethrough, the reference was answered against him. The petitioner/workman filed a demand notice, which was subsequently referred under Section 10 (1) (c) of the Industrial Disputes Act, 1947, to the learned Industrial Tribunal-cum- Labour Court concerned, for adjudication on the legality of the issue, as to whether, the termination of the services of the petitioner, was justified and in order ?

2. In the claim petition, it is pleaded that the petitioner was appointed as Beldar with Fitter, w.e.f. 02.07.1992, by the Management, and

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his services were wrongly terminated on 30.04.1994. It is submitted that from 02.07.1992 to 30.06.1993, he worked under the signature of Tej Ram, but later on, the Management started paying salary to him in the name of Ram Sarup. For six months, the petitioner was made to affix his thumb impression against the name of Ram Sarup, and the wages were paid up to July, 1993. From August 1993 onwards, the petitioner objected, however, the Management continued to get his thumb impression affixed against the name of Ram Sarup, till February, 1994, and thereafter, his name was also changed as Prem Singh son of Sh. Satbir, from the month of March and April, 1994, and his signatures were obtained on paper and not on muster roll. He was paid wages up to April, 1994, and on this account, he refused to work w.e.f. 01.05.1994, and he was paid the wages upto the month of April, 1994. Thus, by adopting unfair labour practice, his services were terminated by the Management.

3. The Management contested the claim of the petitioner and submitted that there is no existence of any industrial dispute between the parties concerned, as the petitioner-workman was never appointed on 02.07.1992.

4. Both the parties led evidence and thereupon the learned Tribunal, by concluding that the petitioner-workman has failed to prove that he worked with the respondent/Management, answered the reference against the workman, and dismissed the claim petition in totality.

5. Learned counsel for the petitioner submits that the respondent/Management, has not produced the relevant record, and therefore, the adverse inference should have been taken against the Management, and the petitioner/workman should have granted the relief, as sought by him by filing a demand notice. She further submitted that there is ample evidence on record,



which would suggest that unfair labour practice was adopted by the Management, as the petitioner-workman was made to affix his thumb impression against the name of different persons.

6. No other argument was raised before this Court.

7. On the other hand, learned counsel for the respondent/Management, submits that a disputed question of facts has been raised now, which has already been examined in its earnest right by the learned Tribunal concerned, and therefore, in the instant writ petition, the same cannot be re-appreciated. He further submits that the petitioner/workman, in order to complete his 240 days, unnecessarily trying to take the benefits of the names of other persons. However, he has failed to examine any witness, or bring on record anything to establish that the thumb impressions, which were affixed against the names of other persons, belong to him.

8. He further submitted that the requisite record, as summoned by the learned Tribunal concerned, was duly produced before it, which is apparent from the award itself, and therefore, no adverse inference can be taken against the respondent/Management. Only four months records i.e. from the month of November, 1993 to April, 1994, has not been produced, and in the absence of such record, it would not help the petitioner/workman, as he himself claimed that after 30.06.1993, he was made to work against the name of one Ram Sarup.

9. This Court has considered the submissions made by the parties concerned, and has gone through the available record and the impugned award.



10. The onus was upon the petitioner/workman, to establish by leading any evidence that the thumb impression or signature against the names of Ram Sarup and Prem Singh, were in fact of the petitioner. No such efforts were made by the petitioner/workman, to establish the same. Therefore, the learned Tribunal concerned, cannot presume the existence of the fact, which otherwise would need to be established by leading any cogent evidence. Further, the absence of record from the month of November, 1993 to April, 1994, would not come to the rescue of the petitioner/workman, as he himself submitted that post June, 1993, he was made to sign on the acquaintance roll against the name of one, Ram Sarup. Even, that roll has been produced but still, the petitioner/workman, would not get any benefit of the attendance of another person, until and unless, he would have produced a record that the said signature or thumb impression belonged to the petitioner/workman. The learned Tribunal has appreciated the evidence adduced by the parties concerned, and since the petitioner/workman is unable to point out any perversity or illegality in the impugned award, therefore, this Court refrains itself from interfering with the well reasoned award, as passed by the learned Tribunal, concerned.

11. Consequently, finding no merit in the instant writ petition, the same is hereby **dismissed**, and the impugned award is ordered to be **upheld**.

(KULDEEP TIWARI)
JUDGE

January 15, 2026
Manpreet

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