

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

**CWP-20717-2016
DECIDED ON:18.03.2024**

JAGE RAM

.....PETITIONER

VERSUS

**PRESIDING OFFICER, LABOUR COURT, ROHTAK AND ANR.
.....RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: None for the petitioner.

SANJAY VASHISTH, J (ORAL)

1. Petitioner – Jage Ram (workman) has filed present writ petition by assailing the award dated 14.01.2015, (Annexure P-9), passed by learned Industrial Tribunal-cum-Labour Court, Rohtak, whereby reference No.155 of 2010, under Section 10(1)(c) of the Industrial Disputes Act, 1947, has been answered against the petitioner – workman.

2. As per the demand notice dated 11.05.2010 and the claim statement, pleaded case of the workman is that he was appointed as a Mason, on daily wage basis by the respondent – Management, on 21.10.1992. On 22.08.1994, Management terminated his services illegally, but later on, workman was reinstated, in pursuance of the award dated 28.05.2008 passed by learned Labour Court, Rohtak.

3. Again, on 20.02.2010, services of the workman were terminated, whereas, he had completed more than 240 working days in a calendar year. Therefore, said termination is in violation of Section 25-F of the Act. It has also been alleged that principles of law have not been followed and thus, there is violation of the provisions of Section 25-G and 25-H of the Act.

4. There being a specific stand on behalf of the respondent – Management that workman has not been terminated from service, rather,

he is still in job and said fact has been admitted by the workman in his testimony also, while appearing as WW-1, learned Tribunal concluded that factum of continuing in service is borne out of the attendance register Ex.MW-1 to Ex.MW-12, which pertains to the period from February, 2011 till July, 2014.

5. Thus, learned Industrial Tribunal-cum-Labour Court found that second time, there is no termination of workman from service but has merely paid him off and lastly, it was held that workman is not entitled for any relief.

6. Assailing the said award, present writ petition is pending since the year 2016, but without explaining as to on what account, workman is feeling aggrieved once the stand of the Management and finding thereon, is that the workman has never been terminated from service.

7. To explain the aforesaid circumstances and to assist the Court, there is no representation on behalf of the petitioner.

8. Therefore, present writ petition stands dismissed for want of prosecution.

9. However, liberty is granted to the petitioner to move an appropriate application for seeking revival of the present writ petition with the prepration to argue the matter, within eight weeks from today, incase, any substantive issue still exists along with a cause of action to the petitioner.

10. Registry is directed to forward copy of the today's order at the address of the petitioner mentioned in the writ petition.

(SANJAY VASHISTH)
JUDGE

18.03.2024

Lavisha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>