
(2000) 11 P&H CK 0204
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 4133 of 1999

Angrej Singh

APPELLANT

Vs

Presiding Officer, Labour Court, Ambala

RESPONDENT

Date of Decision : 17-11-2000

Acts Referred:

Industrial Disputes Act, 1947 — Section 10, 25

Citation : (2001) 2 LLJ 337

Hon'ble Judges : S.S. Sudhalkar, J; Mehtab S. Gill, J

Bench : Division Bench

Advocate : Mr. R.S. Longia, for the Appellant; Mr. R.K. Malik, for the Respondent

Final Decision : Dismissed

Judgement

Mehtab S. Gill, J.—By this common judgment, we are disposing of Civil Writ Petition bearing Nos. 4133 of 1999 and 2738 of 2000 collectively as they arise out of the same award dated September 28, 1998 (An-nexure P-4) passed by the Presiding Officer, Labour Court Ambala. However, for the sake of convenience, the facts are being extracted from Civil Writ Petition No. 4133 of 1999.

2. Petitioner has filed a writ in the nature of certiorari for quashing of award dated September 28, 1998 (Annexure P-4) passed by the Presiding Officer, Labour Court, Ambala.

3. Petitioner has averred that he joined the services of respondent No. 2 Shahabad Co-operative Sugar Mills, Shahabad Markanda, district Kurukhsetra (hereinafter referred to as "the Mill") on November 19, 1985 on daily wages and worked continuously upto December 12, 1987. On December 12, 1987, he was implicated in a false case and First Information Report was registered against him. In this criminal case, the Chief Judicial Magistrate, Kurukshetra acquitted him of the charge vide order dated March 10, 1990, Exhibit WW-2. The petitioner then tried to join his duty with respondent No. 2, but was not allowed to do so.

4. Notice of motion was issued to the respondents. Respondent No. 2 filed written statement wherein it has been averred that the petitioner was working as a daily wager and that he did not report for duty after December 12, 1987 and thus, he, with (for ?) all intents and purposes, had abandoned his job. It has been further stated that in the written statement that the workers are required only for seasonal work when crushing season commences from the month of November till the month of May.

5. We have heard counsel for the parties and gone through the file and perused the annexures attached therewith.

6. The workman had filed a civil suit before the Senior Sub Judge, Kurukshetra and vide his judgment dated March 19, 1991, Exhibit WW-4, the learned Senior Sub Judge held that the Civil Court has no jurisdiction to entertain the suit. It is admitted case of the parties that the respondent-Mill is a seasonal industry and its employees are seasonal daily wagers. In the present case, muster rolls for the month of May, 1987 show that petitioner was paid off on May 23, 1987 and was again employed in November, 1987. MW-1 Shri Sachinder Parshad has admitted that the management did not write any letter to the workman after December 12, 1987 for joining his duty and in the muster rolls also for the month of May, 1987, it is nowhere mentioned that the workman had abandoned his job. The management did not initiate any action against the workman for abandoning his job as he was a seasonal worker.

7. It is clear that the management or any authority of the Mill had not stopped him from joining his duty and during the proceedings of the criminal case, he did not come forward to do work with respondent No. 2. Though respondent No. 2 did not make any effort to get him back but it was the duty of the workman to report for duty at his work place. From the muster rolls, as pointed out above, it is also clear that the workman was being paid only for crushing season as he was working as a daily wager.

8. Learned counsel for respondent No. 2 has placed reliance upon a decision rendered in *Morinda Co-operative Sugar Mills Ltd. v. Ram Kishan and others etc.* 1995(5) S.L.R. 282 (SC), wherein it has been held by the Apex Court that the daily wage workers in Sugar Mills are seasonal workers and do not get any right under the Industrial Disputes Act, 1947.

For the reasons recorded above, we find no merits in both these writ petitions and the same are, therefore, dismissed. However, parties are left to bear their own costs.

9. Petitions dismissed.