
(2000) 12 P&H CK 0143
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 16264 of 2000

State of Punjab

APPELLANT

Vs

Puran Chand

RESPONDENT

Date of Decision : 12-12-2000

Acts Referred:

Industrial Disputes Act, 1947 — Section 25

Citation : (2000) 12 P&H CK 0143

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

Bench : Division Bench

Advocate : Mr. Anil Sharma, D.A.G., Punjab, for the Appellant;

Judgement

Mehtab Singh Gill, J.—The petitioner, in this writ petition, has prayed for issuance of a writ in the nature of Certiorari for quashing award passed by the Presiding Officer, Labour Court. Gurdaspur.

2. Respondent No. 1 was appointed as casual worker on daily wages purely on temporary basis. At that time, the Division of S.D.E. was Executive Engineer Provincial Division (B&R) Gurdaspur. With effect from August, 1988 the office of the Sub Divisional Engineer was attached with Executive Engineer, Rural Works Division (B&R) Batala and respondent No. 1 did not make Executive Engineer, Batala a party before the Tribunal.

3. We have heard counsel for the petitioner gone through the petition and the annexures attached therewith,

4. The main contention put forth by the counsel for the petitioner is that respondent No. 1 did not make Executive Engineer, Rural Works Divisional (B&R) Batala a party before the Tribunal and as such it was not possible for the Executive Engineer to produce the records before the Tribunal. The workman had put in applications dated 2.11.1995 and 4.3.1999 to the effect that he had been in the employment of the respondent on daily wage basis and that he worked under Dinanagar Sub Division. He further prayed that Muster Rolls No. 974 for

January, 1986, 980, 994 for February, 1986 and 422 for the month of November 1986 be produced. The learned Tribunal has observed "but the respondent has intriguingly been evading the production of the record pointed out by the workman." It was imperative on the part of the petitioner to produce the record which was in its possession. Official witness Shri Raj Kumar Clerk, MW2, appeared and produced some of the Muster Rolls. The name of the workman figured in all the Muster Rolls. It was further rightly observed by the Tribunal that the "respondent had deliberately and intentionally withheld the controversial service record of the workman just to defeat his rightful claim of employment and wages." When the Tribunal went through the Muster Rolls, it came out that the workman had worked for 240 days continuously and Section 25-F of the Industrial Disputes Act had not been complied with. We find no infirmity in the award of Labour Court, Gurdaspur.

The writ petition is dismissed with the above observations.

5. Petition dismissed.