

(2011) 04 SHI CK 0184
In the High Court Of Himachal Pradesh
Case No : CWP No. 1840 of 2011

The Managing Director, H.P. Tourism Development
Corporation Ltd. and Another

APPELLANT

Vs

Ghanshyam

RESPONDENT

Date of Decision : 06-04-2011

Acts Referred:

Citation : (2011) 04 SHI CK 0184

Hon'ble Judges : Kurian Joseph, C.J;V.K. Ahuja, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

V.K. Ahuja, J.—This writ petition has filed by the Petitioners challenging the award, dated 31.8.2010, passed by the Presiding Judge, Industrial Tribunal-cum-Labour Court, Dharamshala in Reference No. 11/2005.

2. We have heard the learned Counsel for the Petitioners.

3. A perusal of the writ petition shows that a reference was made to the learned Tribunal by the State Government for adjudication. It was in regard to the termination of service of one Ghanshyam, a daily paid labourer employed by the Petitioners. The learned Presiding Officer entered upon the reference and after taking the evidence and hearing the parties, passed the following order:

The Respondent is directed to reengage the Petitioner forthwith. The Petitioner shall not be entitled to any backwages. The break in service shall however be counted towards seniority and continuity in service. The reference is answered in the following terms.

4. Being aggrieved by the said order of the learned Presiding Judge, the Petitioners have filed the present writ petition. It is clear from a perusal of the award passed by the learned Presiding Judge that after taking the evidence on record, it has been concluded that the Respondent was on the rolls of the

Corporation and he had not been engaged for a particular project. These are findings of fact based upon evidence led by the parties and no perversity was pointed out in those findings.

5. In so far as the relief granted by the learned Tribunal is concerned, it was observed that the Respondent shall be entitled to seniority and continuity in service and his termination order was quashed. The learned Presiding Judge had, in his wisdom and correctly so, also directed that the Respondent shall not be entitled to back-wages. Thus, the reliefs granted by the learned Tribunal do not call for an interference by this Court, which are based upon correct appreciation of evidence.

6. In view of the above, we find that there is no merit in the petition filed by the Petitioners, which is dismissed accordingly, so also the pending application(s), if any.