

(2016) 03 P&H CK 0252
In the Punjab And Haryana At Chandigarh
Case No : CWP-4987 of 2016

Vijay Kumar

APPELLANT

Vs

Presiding Officer, Industrial Tribunal, Gurdaspur and another

RESPONDENT

Date of Decision : 16-03-2016

Acts Referred:

Citation : (2016) 150 FLR 672 : (2016) LabLR 752 : (2016) 4 LLN 227

Hon'ble Judges : Mrs. Sabina, J.

Bench : Single Bench

Advocate : Mr. R.K. Arya, Advocate, for the Appellant; None for the Respondent, for the Respondent

Final Decision : Dismissed

Judgement

Sabina, J.—Petitioner has filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of certiorari for quashing the award dated 06.05.2015.

2. Petitioner had raised an industrial dispute challenging his termination by serving a demand notice. The appropriate Government referred the dispute for adjudication to Industrial Tribunal, Gurdaspur.

3. Case of the petitioner, in brief, was that he was appointed as a Beldar with the respondent-management on 10.01.1993 and his services were illegally terminated on 30.11.1993.

4. Case of the respondent-management, on the other hand, was that the petitioner had never worked with them as a Beldar.

5. On the pleadings of the parties, following issues were framed by the Tribunal:-

"1. Whether the workman was appointed as a Beldar on regular basis by the respondents on 10/1/93 and he worked continuously till 30/11/93? OPW.

2. Whether the services of workman Vijay Kumar were terminated in illegal and

improper way by the respondent? If yes, to what benefits the workman is entitled? OPW.

3. Relief."

6. Parties led their evidence in support of their respective pleas.

7. Industrial Tribunal vide award dated 06.05.2015 dismissed the reference sought by the workman-petitioner. Hence, the present petition by the workman-petitioner.

8. I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

9. Industrial Tribunal after appreciating the evidence led by the parties on record has held that the petitioner had failed to establish that he had worked with the respondent management as a Beldar from 10.01.1993 to 30.11.1993. Petitioner in order to establish his case had proved on record experience certificate Exhibit WW-2 issued by Sub Divisional Officer. The Tribunal has rightly not relied upon Exhibit WW-2 as the said document was undated and only a photocopy had been produced on record. The original of experience certificate Exhibit WW-2 had not been produced on record. Further petitioner had failed to prove on record any salary certificate. There is also nothing on record to suggest that the petitioner had moved any application for summoning the relevant record to establish the fact that he had worked with the respondent-management for the period in question. It has further been noticed by the Industrial Tribunal that petitioner had earlier filed reference No.18 of 2002 before Labour Court, Gurdaspur and had contested the same upto 31.12.2008. Petitioner had withdrawn the said reference on 29.01.2009. Thereafter, petitioner again served a demand notice on 30.08.2010 i.e. after a gap of almost 17 years from the date of his termination.

10. In the facts and circumstances of the present case the learned Industrial Tribunal had, thus, rightly dismissed the reference sought by the petitioner.

11. No ground for interference by this Court while exercising powers under Article 226 of the Constitution of India, is made out Dismissed.