



CWP-9743-2025

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**IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH**CWP-9743-2025
Decided on:03.07.2025

Kartar Singh

.... Petitioner

versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court III, Faridabad and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHIPresent: Mr. Raman Kumar, Advocate for
Mr. Yashdev Kaushik, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

In the present petition, challenge is to the award passed by the Labour Court dated 30.09.2024 (Annexure P-2), by which, the claim of the petitioner-workman that his services were wrongly terminated, has not been accepted and the claim petition has been rejected.

2. Learned counsel for the petitioner-workman submits that the petitioner-workman was not well and therefore could not perform his duties for a certain period and the respondent-management on his absence from performing the duty, terminated the services of the petitioner, which is arbitrary in law. Learned counsel further submits that once the petitioner was fit, he should be allowed to join so as to perform his duties, which was not done and therefore, the impugned award passed by the learned Labour Court is perverse to the facts and the same is liable to be set aside.

3. I have heard learned counsel for the petitioner and have gone through the records of the present case with his able assistance.

4. Learned counsel for the petitioner conceded that due to the illness, the petitioner never performed the duties and on this account his services were ultimately terminated. The stand of the respondent-management was that the petitioner -workman left the job on his own and



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started absenting himself from performing the duties and keeping in view the fact that he did not perform his duties, the services automatically came to an end.

5. Facts as per record during the conciliation proceedings, the petitioner was given an offer to join back to perform the duty but, the petitioner-workman refused to join on the ground that he should be paid the salary for the period he did not perform the duties first and it is only thereafter he will consider to join in the services. This fact would go to show that the only agenda of the workman is to get the salary for the period he absented himself and not to perform the duty.

6. Even otherwise once the petitioner himself conceded that he was not well and was not performing the duties and still after being fit, the management offered him to join back and the petitioner failed to join back and rather raised a demand of backwages shows other way round that he is only interested in getting money and not performing the duties. The findings, which have been recorded by the Labour Court, have not been rebutted by the learned counsel for the petitioner.

7. It should be noted that unless and until the award is shown to be perverse either to the fact or the evidence, the same need no interference at the hands of this Court. In the present case, no perversity has been shown to this Court qua the impugned award.

8. Accordingly, the present petition stands dismissed.

9. Any civil miscellaneous application pending, if any, also stands disposed of.

03.07.2025

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Whether speaking/non-speaking?
Whether reportable?

(HARSIMRAN SINGH SETHI)
JUDGE

Yes
No