



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

103/5

LPA No.1905 of 2025 (O&M).

Date of Decision: 22.08.2025.

Gurjiwan Singh

....Appellant.

VERSUS

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Patiala and another

....Respondents.

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Ravi Gakhar, Advocate and
Mr. Devyansh, Advocate for the appellant.

ANUPINDER SINGH GREWAL, J. (Oral)

CM-4705-LPA-2025

Prayer in this application is for condonation of delay of 24 days
in filing the appeal.

Heard.

For the reasons stated in the application, the same is allowed and
delay of 24 days in filing the appeal is condoned.

Main Appeal

The appellant-workman has impugned the judgment of the Single
Bench dated 18.03.2025 passed in CWP No.7256 of 2025, whereby the writ
petition preferred by the appellant challenging the Award dated 28.03.2022
(Annexure P-1) of the Industrial Tribunal, Patiala, has been dismissed *in
limine*.

2. Learned counsel for the appellant submits that the appellant had been working with respondent No.2 as a Senior Electrician. His services were terminated on 15.04.2014 in violation of Section 25F, 25G and 25H of the Industrial Disputes Act, 1947. He was beaten up and forced to sign papers stating that he accepted a sum of Rs.70,000/- as full and final settlement towards his dues and was hospitalised from 15.04.2014 to 22.04.2014. Therefore, the alleged settlement relied upon by the Tribunal, could not have been considered, as its authenticity was not corroborated by any independent witness. The Single Bench had also failed to appreciate that any settlement induced by undue influence or obtained under duress is void *ab initio*.

3. Heard.

4. The appellant was employed as a Senior Electrician with respondent No.2 and was drawing a salary of Rs.13,000/- per month. It is the case of the appellant that his services were illegally terminated on 15.04.2014 without issuance of any prior notice, whereas it is the stand of the respondent No.2 that the appellant had resigned from service on 14.04.2014. The appellant thereafter approached the Conciliation Officer i.e., the Assistant Labour Commissioner, Patiala. However, no one appeared on his behalf on 25.07.2014 and the dispute was ultimately referred to the Tribunal. The Tribunal by its Award dated 28.03.2022 had answered the reference against the appellant and declined him the relief of reinstatement.

5. In regard to the submission of learned counsel for the appellant that services of the appellant were illegally terminated, it is manifest that Tribunal, upon appreciation of the evidence on record, had recorded a finding that the appellant in his affidavit, had admitted that he had addressed a letter

on 16.04.2014 to the respondent No.2 seeking withdrawal of his earlier resignation and a copy of this letter was also forwarded to the Assistant Labour Commissioner, Patiala and the Labour Commissioner, Patiala. This admission was held to be wholly inconsistent with his stand that his services had been illegally terminated on 15.04.2015 without any notice or inquiry. The Tribunal had also rejected the claim of the appellant that he had remained unemployed after his termination, as during cross-examination the appellant had conceded that he had been working as an electrician privately on daily remuneration occasionally, as and when work was available.

6. Furthermore, the contention of the appellant that he had not entered into a full and final settlement with respondent No.2 for a sum of Rs.70,000/-, was also rejected for the reason that the settlement and the receipt acknowledging payment of Rs.70,000/-, were duly proved on record as Ex.M-4 and Ex.M-5. In the course of proceedings before the Tribunal, the appellant was examined as WW1, and in cross-examination he had admitted his signatures (Mark-C and Mark-D) on Ex.M-4 and Ex.M-5, respectively. No expert witness was examined in support of his claim that fresh typed/printed words had been superimposed on the blank papers bearing his signatures, rather the appellant had admitted his 'cross signatures' on the revenue stamp affixed on the receipt of Rs.70,000/-.

7. Additionally, the contention that the appellant had been assaulted and coerced into signing the papers, the same is also devoid of any merit. It stands admitted by Bhupinder Singh, Junior Assistant, Civil Hospital, Samana, who was examined as WW3, that the appellant was not found on his bed on several occasions during the period when he was allegedly hospitalised, and further, that there was no discharge slip available in the

hospital record. Learned counsel for the appellant has furnished a copy of the Medico-Legal Report to this Court in support of the allegation that the appellant was beaten up. However, the same flies in the face of the appellant, as a perusal of the MLR reveals that there was no external injury whatsoever on his person and he had only complained of pain in head and other parts of the body. The appellant himself admitted during his cross-examination that the police after carrying out a detailed investigation, had filed his complaint alleging assault by the management. Even, HC Harpal Singh, Complaint Branch, Office of the Senior Superintendent of Police, Patiala, who was examined as WW2, had in his cross-examination, stated that the complaint was 'filed' as the same was found to be false.

8. Insofar as the contention of learned counsel for the appellant regarding the settlement having been entered into without free consent is concerned, the same cannot be accepted, inasmuch as the appellant himself, in the affidavit furnished before the Tribunal, had made a reference to the settlement arrived at between him and the management. It is trite that when a party alleges that any document has been induced by undue influence, fraud and coercion, the onus is on him to prove the same. Hence, a bald averment that the appellant's signatures were obtained on blank papers or that he was coerced into a settlement does not merit acceptance, particularly when he himself has admitted his signatures on the settlement. We draw support from the judgement of the Supreme Court in the case of **Bishundeo Narain v. Seogeni Rai, 1951 SCC 447** and the relevant extract of the judgment is reproduced hereunder:

“22.....Now if there is one rule which is better established than any other, it is that in the cases of fraud, undue influence and

coercion, the parties pleading it must set forth full particulars and the case can only be decided on the particulars as laid. There can be no departure from them in evidence. General allegations are insufficient even to amount to an averment of fraud of which any court ought to take notice however strong the language in which they are couched may be, and the same applies to undue influence and coercion.”

9. It is settled law that the factual findings arrived at by the Labour Court after appreciation of evidence, should ordinarily not be interfered by the Writ Court without assigning cogent reasons. Reference can be made to the judgment of the Supreme Court in the case of **Ganapati Bhikarao Naik vs. Nuclear Power Corporation of India Limited, 2024 SCC OnLine SC 3323**. The relevant extract of the judgment is reproduced hereunder:-

“12. The relevant materials reflecting the marriage of the appellant with Smt. Ganga was however ignored by the Writ Court. The Court also failed to appreciate that the learned Labour Court reached the factual conclusion, after due consideration of the material evidence. Such factual finding of the Labour Court should not normally be disturbed by a Writ Court without compelling reason. Such reasons are absent. Therefore we feel that the Award in favour of the appellant, granted by the Labour Court, was erroneously disturbed by the learned Single Judge.”

10. In view of the afore-noted facts and circumstances, especially when findings of fact has been recorded that the appellant had voluntarily resigned from service, duly entered into a settlement with respondent No.2 and had even received a sum of Rs.70,000/- towards full and final settlement of his claims, we do not find any illegality in the judgment of the Single Bench upholding the Award of the Tribunal, so as to warrant interference by

this Court. Consequently, the Letters Patent Appeal being devoid of any merit, stands dismissed.

11. Pending application(s). if any, shall stand disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

22.08.2025

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No