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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**LPA-397-2025 (O&M)  
Decided on: May 12, 2025**

Ranbir

....Appellant

versus

The Presiding Officer and Another

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH  
HON'BLE MR. JUSTICE ALOK JAIN**

**Present:-** Mr. Vikram Rathore, Advocate for the appellant.

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**SUDHIR SINGH, J. (ORAL)**

**CM-1012-LPA-2025**

For the reasons stated in the application, same is allowed. Delay of 80 days in re-filing the appeal is condoned.

**CM-1011-LPA-2025**

For the reasons stated in the application, same is allowed. Delay of 40 days in filing the appeal is condoned.

**Main case (O&M)**

The present intra Court appeal is directed against the order dated 25.07.2024 passed by the learned Single Judge, in CWP-8288-2010, whereby the said writ petition filed by the appellant, was dismissed.

2. Before the learned Single Judge, the appellant had sought quashing of the order dated 18.12.2009 (Annexure P-10 with the writ

petition), whereby, the Industrial Tribunal-cum-Labour Court-1, Gurgaon (for short 'Labour Court') had answered the reference against the appellant.

3. As per the facts on record, the appellant/workman joined the respondent-Management on 08.01.1996 and he was drawing the salary of Rs.3,000/- per month. It was the case of the appellant that his services were illegally terminated on 24.01.2003, pursuant where to, he had served the demand notice dated 21.03.2003. Thereafter, a settlement dated 19.05.2003 was arrived at between the parties. In terms of the said settlement, he was to join his duties on 23.05.2003, but he was not permitted to do so by the respondent/management, which fact was brought by him to the notice of the Labour Inspector, and with the intervention of the Labour Department, the appellant re-joined his duties on 20.06.2003. It was further pleaded by the appellant that he was not allowed to work, and rather on 22.06.2003, the respondent/Management handed him a cheque of Rs.8,867/-. He again approached the Labour Authorities on 08.07.2003, whereafter a reference was made to the Labour Court, but vide award dated 18.12.2009, the said reference was answered against him. Before the learned Single Judge, it was the contention of the learned counsel for the appellant that he was thrown out of the factory premises of the respondent/Management on 26.06.2003, and that no charge-sheet was ever served upon him nor was any domestic inquiry conducted. However, the said pleas were disputed by the respondent/Management by asserting that as a matter of fact, the appellant had abandoned his duties. It was further pleaded that the respondent/Management had closed its unit. Learned Single Judge has noticed the *bona fide* made by the respondent/Management offering a sum of Rs.1 lakh to the appellant, but the

said offer was declined by the appellant, and accordingly, while deciding the writ petition on merits, the learned Single Judge has upheld the award passed by the Labour Court, as indicated above.

4. Learned counsel appearing on behalf of the appellant has vehemently argued that the stand of the respondent/Management in respect of the appellant having abandoned his duties was an afterthought and no evidence to this effect was ever led by them. It is further argued that the appellant has suffered for 20 years inasmuch as the reference was instituted before the Labour Court in the year 2003, which came to be decided on 18.12.2009, whereafter, the present writ petition was filed. It is thus, contended that having suffered for more than 20 years, the offer made by the respondent/Management of Rs.1 lakh was very much on the lower side, and the same was rightly rejected by the appellant. Still further, it is argued that offering the aforesaid amount clearly speaks volume in respect of the conduct of the respondent/Management in illegally throwing out the appellant from his services. Learned counsel for the appellant further argues that the respondent/Management is still running a Unit at the same address under the name of Orange Fashion Designs Private Limited and the learned Single Judge, without going into the said aspect of the matter, has wrongly held that the Unit of the respondent/Management has already closed. It is yet further argued that in the face of the fact that the respondent/Management did not lead any evidence to prove the service of letters dated 25.05.2003 and 08.07.2003, but the learned Single Judge has wrongly held that the appellant was served with the said letters by the respondent/Management and that despite service of the said letters, he did not join his duties.

5. We have heard the learned counsel for the appellant and have also gone through the impugned order passed by the learned Single Judge.

6. The Labour Court, in its award dated 18.12.2009, had clearly noticed the factum of settlement between the parties, in terms whereof, the appellant was to report for duties w.e.f. 23.05.2003, but he did not report for his duties. It was further found that he was served with the letters dated 25.05.2003 and 08.07.2003 (Exhibits R-2 and R-3), and the appellant could not show on record that he had submitted any reply to the said letters. It transpired that in the testimony of MW1 - Jawahar Lal Sehgal that though the appellant had reported for duties for some hours on 26.06.2003, yet he left the place of work and that he was also made an offer to rejoin his duties while filing written statement on 10.10.2005. The learned Single Judge has upheld the said finding and has further noticed that the writ of certiorari can be issued only for correcting errors of jurisdiction committed by the inferior Courts or Tribunals and that the said writ can also be issued where the Court or Tribunal acts illegally or improperly. However, it was found that the award passed by the Labour Court did not suffer from any such illegality or infirmity.

7. The arguments raised by the learned counsel for the appellant in the present appeal are mere repetition of the pleas taken in the writ petition. A perusal of the award passed by the Labour Court shows that the appellant while appearing as PW1 could not stand the test of cross-examination. It was further found that despite service of the letters dated 25.05.2003 and 08.07.2003, he chose not to join his duties and further he was not able to counter that the address given on the said letters was not of him. Still further, it was found that on the basis of writing Exhibit M1, it was clear that the

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appellant had reported for duties for sometime on 26.06.2003, but thereafter, he had left the work place, and even the offer of rejoining his duties was not accepted by him.

8. In the present appeal also, learned counsel for the appellant could not show any document or evidence on record, which can establish that the findings recorded by the learned Labour Court and upheld by the learned Single Judge suffer from any illegality or perversity.

9. In view of the above, we find that there is no merit in the present appeal and the same is hereby dismissed.

10. Pending application(s), if any, shall also stand disposed of.

**(SUDHIR SINGH)  
JUDGE**

**(ALOK JAIN)  
JUDGE**

**May 12, 2025**

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No