



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

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CWP-4045-2001 (O&M)

Date of Decision: 25.09.2025

ANGREJ SINGH

.... Petitioner

VERSUS

PRESIDING OFFICER, LABOUR COURT, BATHINDA & ORS.

.... Respondents

CORAM : HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Harinder Sharma, Advocate for the petitioner.

Mr. S.S. Rangi, Advocate for respondents No. 2 to 5.

KULDEEP TIWARI, J. (Oral)

1. That the reference made under Section 10(1)C of Industrial Disputes Act, 1947, on the issue, as to whether, the service of workman have been validly terminated by the management or not, was answered against the petitioner-workman, with the observations that it is a case of abandonment instead of termination, through an Award dated 08.06.2000, which is under challenge before this Court, by filing the instant petition cast under Article 226/227 of the Constitution of India.

2. Learned counsel for the petitioner submits that, except Exhibit M/1 (Annexure-P-3), which was produced before the learned Tribunal concerned, there is nothing on record to substantiate that it is a case of abandonment. He further submits that even in the case the petitioner fails to report for duties, it was incumbent upon the management to issue a show cause notice and pass a termination order.



He further submits that in the absence of any termination order, the reference ought to have been answered in his favour, which was erroneously declined by passing the impugned award.

3. On the other hand, learned counsel for the respondent-management submitted that it is a clear-cut case of abandonment, as the petitioner-workman himself admitted that post dated 10.06.1993, he never reported to the management, and only after more than about three years, he made a request to the management for taking him back on duty.

3. In the instant case, before embarking upon the submissions made by counsel for the parties concerned, let's have a glimpse upon the facts, *qua* which there is no wrangle amongst the parties.

i. The petitioner/workman was appointed as Mali-cum-Chowkidar by the respondent-Mandi Board on 01.05.1990, and he was drawing wages of Rs.1417/- per month.

ii. The case as set up by the petitioner-workman by filing a claim that his service was terminated w.e.f 30.06.1993 without any notice/charge-sheet/enquiry, or compensation, etc. and therefore, examination is not properly justified rather an act of unfair labour practice on the part of management has been adopted.

iii. On the basis of the above pleadings, the claim was set up before the authority concerned, which was subsequently sent through a reference under Section 10(1)(c) of the Industrial Disputes Act, 1947, for its adjudication.



iv. The respondent contested the claim by filing a written statement. Apart from a formal objection, it was specifically pleaded that the workman was engaged on 01.05.1990, on a muster roll, on daily wages, and he was paid wages as per the DC rate from time to time. His services were never terminated on 30.06.1993. Rather, he left the job on his own accord on 10.06.1993. He was asked several times to join his duties back, but he did not turn up and abandoned the job on his own accord. No charge-sheet or enquiry was ever filed in this regard.

4. Based on a close scrutiny of the facts, as well as the evidence led before the learned Tribunal concerned, and the impugned award, it clearly comes to the surface that the petitioner/workman submitted an application dated 30.09.1996 with the prayer that after 10.06.1993, due to sudden illness, he was unable to perform his duties, as leave was not sanctioned because of his daily wage employment status, and consequently, he did not join the duty. He further expressed his desire to rejoin the duty, being again physically fit. The relevant paragraph of that letter is reproduced as under: -

“On the subject cited above, it is requested that I had joined the duty on 01.05.1990 at Mandi Zira under Ferozepur Sub Division and had performed the duty from 11.04.1991 to 10.06.1993 in the aforesaid section with full dedication and honesty but due to sudden illness I could not perform duty as the leave was not sanctioned due to my employment on daily wage basis.

Now I am fit to join duty and again want to join the same. I am a Matric pass and belong to a very poor family. I assure that I shall perform my duty with earnest responsibility



and dedication. Therefore, by accepting my request, I be allowed to join duty.'

5. Though the counsel for the petitioner has submitted that the above letter was written by the petitioner/workman on the advice of the management, however, he is unable to point out any document or evidence to establish his circumstances, which otherwise preclude or restrain being workman from joining the duties.

6. The Court has also examined the judgment referred by the counsel for the petitioner in case Civil Appeal No.1188 of 1976 titled as ***G.T. Lad and Others Vs. Chemicals and Fibres India Ltd., Law Finder Doc Id# 104781***, which, on the contrary, substantiates the case of the respondent/management, which is mentioned in para no.6 of this judgment, which reads as under:

*6. From the connotations reproduced above it clearly follows that to constitute abandonment, there must be total or complete giving up of duties so as to indicate an intention not to resume the same. In **Buckingham Co. v. Venkatiah (1964) 4 SCR 265**, it was observed by this Court that under common law an inference that an employee has abandoned or relinquished service is not easily drawn unless from the length of absence and from other surrounding circumstances an inference to that effect can be legitimately drawn and it can be assumed that the employee intended to abandon service. Abandonment or relinquishment of service is always a question of intention, and normally, such an intention cannot be attributed to an employee without adequate evidence in that behalf. Thus whether there has been abandonment of service or not is a question of fact which has to be determined in the light of the surrounding circumstances of each case.*

7. On delving into the ratio laid down in the judgment (supra), the facts of the instant case have been examined. It is not disputed that



post 10.6.1993, the petitioner did not report to the respondent-management to join duty till 30.9.1996. He did not produce any document on record to substantiate that, on account of illness, he could not join the duty. Further, though the petitioner tries to wriggle out the plea that he submitted the application on 30.09.1996 on the advice of the management. However, it is a bald statement, and nothing is on record to substantiate the same. The circumstances itself speak that the petitioner-workman has abandoned the service. The Tribunal has rightly adjudicated the issue after considering the circumstances available on record. Therefore, no interference is required by this Court in the impugned order. Consequently, the instant petition is **dismissed**.

8. Pending application, if any, stands also **disposed of**.

(KULDEEP TIWARI)
JUDGE

25.09.2025

Deepak Patwal/deepak

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| 1. <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. <i>Whether reportable</i> | <i>Yes/No</i> |