

(c) "industrial dispute" means any dispute or difference between employers and employees or between employers and workmen or between workmen and workmen which is connected with the employment or non-employment or the terms of employment or the conditions of work of any person, and is not in respect of the enforcement of such right guaranteed or accrued to him by or under any law other than the Act, or any award or settlement for the time being in force;

June 1955 I LC 458.

**Clause (x)--Industrial dispute:** The definition of "industrial dispute" could be divided into three parts: *first* there must be a dispute or difference; *second*, the dispute or difference must be between employers and employees, or between employers and workmen, or between workmen and workmen; *third*, the dispute or difference must be connected with the employment or non-employment, or the terms of employment or with the conditions of labour of any person. The first part obviously refers to the

factum of a real or substantial dispute; the second part to the parties to the dispute; and the third, to the subject-matter of that dispute. This subject-matter may relate to any of two matters: (1) employment or non-employment, and (2) terms of employment or conditions of labour of any person.

"Industrial dispute" in common parlance is a dispute of general nature between management and worker in an establishment or industry. For purpose of industrial dispute, it was not necessary requirement that a workers union or a number of workers on the one hand and the employers on the other hand should be involved, but only a single worker out of the class of workers could desire to take matter to the Labour Court. Court could consider grievance of dissatisfied worker as if such matter was an industrial dispute. For purpose of deciding any grievance petition, it has to be seen whether requirements enumerated in Section 25-A of Industrial Relations Ordinance, 1969 (Now Sec. 33 of Punjab Industrial Relations Act, 2010) applied to particular facts proved by evidence of parties. **1995 PLC 714.**

The expression "any person" could not mean any body or every body in this wide world. The fact that the subject-matter must relate either to employment or non-employment or to terms of employment or conditions of labour necessarily imports a limitation that a person in respect of whom the employer-employee relation never existed or can never possibly exist cannot be the subject-matter of a dispute between employer and workmen.

*Secondly*, the definition read in context of the subject-matter and scheme of the Act and consistently with the objects and other provisions the Act makes it quite clear that the parties to the dispute must be directly or substantially interested in the dispute. In the absence of such interest the dispute cannot be said to be a real dispute between the parties.

Dispute between worker and management regarding non-employment of worker, was an industrial dispute falling under definition as given in Section 2(xiii) of Industrial Relations Ordinance, 1969 (Now Sec. 2(xv) of Punjab Industrial Relations Act, 2010). Labour Court, thus, had wrongly held that dismissal of worker would not be covered under definition of industrial dispute and that grievance petition filed by worker under Section 25-A of Industrial Relations Ordinance, 1969 (Now Sec. 33 of Punjab Industrial Relations Act, 2010) against his termination was not maintainable. **1996 PLC 243.**

Collective Bargaining Agent of workers filed the petition before the Labour Court under Section 32(1-A) (Now Sec. 40(2)) prayed for fixation of retirement age of workers as 65 years. Settlement existed and operative containing clause bore upon terms and conditions of retirement age as 55 years. No industrial dispute, in circumstances, existed and order of Labour Court rejecting petition was upheld by the Appellate Tribunal. **1985 PLC 435.**

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Fixation of Union's notice board in the Mill was held to be no industrial dispute. 1957 L LC 871. Demand for dismissal of manager was held to be no such dispute. 1965 L LC 472. Dead workman's arrears is not an industrial dispute. 1961 PLC 789. Replacement of foreign officers is also not an industrial dispute. 1957-58 L LC 239.

Clause (vi) Industry The definition of industry in this clause is

complaint in writing made by the Registrar.

**33. Redress of individual grievances:** (1) A worker may bring his grievance in respect of any right guaranteed or secured to him by or under any law or any award or settlement to the notice of his employer in writing, either himself or through his shop steward or collective bargaining agent within three months of the day on which the cause of such grievance arises.

(2) Where a worker brings his grievance to the notice of the employer, the employer shall, within fifteen days of the grievance being brought to his notice, communicate his decision in writing to the worker.

(3) Where a worker brings his grievance to the notice of his employer through his shop steward or collective bargaining agent, the employer shall, within seven days of the decision being brought to his notice, communicate his decision in writing to the shop steward or the collective bargaining agent.

(4) If the employer fails to communicate a decision within the period specified in sub-section (2) or sub-section (3), or if the worker is dissatisfied with such decision, the worker or the shop steward may take the matter to the collective bargaining agent or the Labour Court.

(5) The collective bargaining agent may take the matter to the Labour Court, and where the matter is taken to the Labour Court, it shall give a decision within ninety days from the date of the matter being brought before it as if such matter was an industrial dispute.

(6) A worker may, within a period of sixty days from the date of the communication of the employers' decision or from the date of the expiry of the period mentioned in sub-section (2) or sub-section (3), take the matter to the Labour Court.

(7) In adjudicating and determining a grievance under this section the Labour Court shall go into all the facts of the case and pass such orders as may be just and proper in the circumstances of the case.

(8) Subject to the decision of the Tribunal, if a decision under this section given by the Labour Court is not given effect to or complied with within seven days or within the period specified in the decision, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred thousand rupees or with both.

(9) A person shall not be prosecuted under sub-section (8) except on a complaint in writing by the workman if the decision in his favour is not implemented within the period specified in that sub-section.

(10) For the purposes of this section, workers having common grievance arising out of a common cause of action may make a joint application to the Labour Court.

### COMMENTS

1. **Redressal of grievances.** Section 25-A (Now Sec. 27) had wider scope and workman could seek redress under that section not only to enforce right guaranteed to him under Industrial Relations Ordinance, 1969 (Now Punjab Industrial Relations Act, 2010), but also he could invoke S. 25-A (Now Sec. 33) to enforce the right guaranteed to him under any other law for the time being in force. 1992 PIC 856.

Labour Court should go into all facts to find out if allegations against the petitioner stood proved by evidence produced in domestic enquiry. The petitioner was dismissed from the service on charge of forcibly obtaining signatures of supervisor on overtime claim slip. No witness except supervisor supported the allegation and such supervisor also was not making any of the written report prior to being asked for explanation. The story of obtaining signatures of supervisor appeared to be improbable and was unpalatable. Order of Labour Court dismissing grievance petition in circumstances, was set aside by the Appellate Tribunal awarding reinstatement to the petitioner (appellant) without back benefits. 1985 PIC 242.

Or any violation, non-implementation or breach of any right secured to a worker under any settlement or any award, gives cause to a legal grievance and such a grievance is justiciable through the procedure prescribed in this section.

2. **Grievance petition.** Whenever a worker has any grievance regarding any right granted to him either by law or any award or settlement, he may bring it to the notice of his employer in writing within three months of the accrual of the cause of action. This he may do either personally or through his Shop Steward or Collective Bargaining Agent.

When the worker brings the grievance to employer's notice directly the employer shall communicate his written decision to the worker within 15 days of receipt of grievance. Where, however, the grievance is brought to the employer's notice through a Shop Steward or Collective Bargaining Agent the employer shall communicate his written decision to such persons within 7 days of the receipt of the grievance. If in any of the above eventualities the employer does not communicate his decision within the specified time or if the worker is dissatisfied with the decision, the worker or Shop Steward may take up the matter with his Collective Bargaining Agent or move the Labour Court or if the Collective Bargaining Agent has itself filed the grievance, before the Labour Court. When the matter is taken up to the Labour Court, it shall decide the matter within 7 days of receipt of the case. A worker who

desires to take the matter to the Labour Court can do so within two months of the employer's communication or on the expiry of the periods of 15 and 7 days as applicable in cases of direct and indirect filing of grievances with the employer.

The petitioner was already in receipt of all dues in full and final settlement. He was no longer an aggrieved person. 1985 PLC 978.

If on objection of adverse party a petition was withdrawn for want of jurisdiction, then that party was estopped from raising same objection when petition was brought in forum suggested by that adverse party. 1985 PLC 582.

Grievance petition against the dismissal was on account of misconduct. Labour Court found that domestic enquiry made properly with full opportunity of cross-examining prosecution witnesses and production of defence. No enmity on part of Enquiry Officer was suggested. Examination of Enquiry Officer before Labour Court, in circumstances was not necessary. 1985 PLC 163.

Grievance petition was filed against the removal from service for misconduct. Workman had admittedly committed fault causing loss to the management. It was, in circumstances, for management to take any action it may deem fit. Labour Court could not force employer to behave in any other manner. 1985 PLC 904.

Grievance petition by appellant against order of termination of his service was dismissed by the Labour Court being not maintainable as appellant being Medical Information Officer did not fall within the definition of a "workman". Validity. Appellant who was M.Sc. Pharmacy and highly qualified, initially was inducted as Medical Information Officer in the organization and subsequently was promoted to the rank of Senior Information Medical Officer and his duty was to go to the Doctors and Chemists to introduce the product of the company and also to provide information relating to medicines prepared by the company. Appellant in other words was a Sale Representative and as regards a Sale Representative, it was well-settled that he did not fall within the definition of a 'workman' or 'worker'. Appellant being not workman, his grievance petition was rightly dismissed being not maintainable. 2008 PLC 188.

Appellant was permanent employee and his services were terminated after charge-sheeting him and holding inquiry against him on charge of wilful absence from the duties unauthorizedly. Services of the appellant were not terminated verbally as alleged by appellant, but were terminated by written order after holding proper inquiry through an independent Inquiry Officer in which appellant participated. Inquiry Officer, after holding inquiry against appellant and completing all formalities, found appellant guilty of



charge levelled against him. Labour Court, in circumstances had rightly dismissed grievance petition of appellant; in such state of affairs, no justification existed to interfere in the order passed by the Labour Court. **2008 PLC 220.**

Appellant had assailed the order of Labour Court, whereby his grievance petition was returned for lack of jurisdiction to entertain said petition, with an observation that appellant would be at liberty to seek remedy, if available in accordance with law. Ministry of Railways *vide* two notifications, had classified all railway lines as Ministry of Defence Lines, thereby excluding all the employees of Pakistan Railways to invoke the jurisdiction of the Labour Court. Appellant also being an ex-employee of Pakistan Railways was governed by its statutory rules. Only remedy for appellant was to invoke jurisdiction of the Federal Service Tribunal. Labour Court, in circumstances was right in not invoking the jurisdiction as appellant being ex-employee of Pakistan Railways and connected with Ministry of Defence Lines, was civil servant and only remedy available to him was to invoke jurisdiction of Federal Service Tribunal. **2008 PLC 184.**

Application for amendment in written statement was made after ten months. It was rejected for not being given at earliest opportunity. Amendment was sought for touching jurisdiction of the Court. It was the duty of the Court first to decide whether it had jurisdiction. Amendment if necessary, could be allowed at any stage of case and inconvenience to the respondent was compensated with costs. **1985 PLC 39.**

The petitioner has failed to produce an expert evidence on record to show that the cigarettes in question were intact and not discarded ones. This makes the case of the petitioner doubtful against the respondent. Therefore, benefit of doubt has rightly been given to him by the trial Court. **1989 SCMR 1729.**

Fresh Constitutional petition by same petitioner for examining same question against same respondent would not be competent. **1989 PLC 203.**

Petitioner's plea that entire proceeding against him which culminated in his dismissal from service was illegal and void because officer concerned nourished grudge against him and further that no enquiry as required under the law was conducted. Leave to appeal was granted. **1989 SCMR 707.**

Employee prosecuted criminally and also departmentally, resulting in his dismissal by the competent authority, and acquittal by the Criminal Court, it is not a case of double jeopardy because the two proceedings are quite different in substance and result. **1989 SCMR 316.**

Definition of "Newspaper employee" being very wide, would include within its fold whole time journalist and a whole time non-journalist. Provisions of Standing Orders Ordinance, 1968, were applicable to every Newspaper establishment. **1988 PLC 7.**

Nature of duties of none of employees involved manual or clerical work either skilled or unskilled supported by evidence on record. Grievance petitions were not maintainable. 1988 PLC 125.

Termination of employee by a charitable establishment carrying on business on no profit no loss basis. Fact that establishment was carrying on business on no profit no loss basis not rebutted by employee by his evidence. Employee failing to make out a case so as to attract application of Labour Laws. 1988 PLC 1.

Visitation of quantum of punishment should have the in built co-relationship with the degree of blameworthiness of the wrong-doer. 1987 PLC 668.

Constitutional jurisdiction could be invoked only in aid of justice and not to perpetuate injustice. 1987 PLC 692.

Right given to a "workman" against termination, removal, retrenchment or dismissal from service, *held*, could be enforced in accordance with S. 25-A. 1987 PLC 697.

Bank which had been ordered by Labour Court to absorb terminated employee being not a party either in grievance notice or in grievance petition, direction issued to such Bank, *held*, was utterly illegal and without lawful authority. 1987 PLC 703.

Employees were dismissed from service after issuing them show-cause notice and holding domestic enquiry against them on allegation of misconduct. Employees had alleged some minor defects in enquiry proceedings, but no prejudice was caused to them on that account. Dismissal order passed by competent Authority, thus could not be interfered with.

Lady workers were charge-sheeted and dismissed from service on ground that they lost temper and quarrelled with each other on petty things. If such quarrels were to be brought to Courts for settlement, Courts would have no time for any other serious work. Employees present in Court had promised that they would never loose temper nor would quarrel in factory and that they would not find fault with the management. Employees, thus were rightly re-instated in service.

Respondent, who was dismissed from service, filed grievance petition against order of his dismissal. Counsel for employer-Bank had contended that grievance petition was not maintainable as respondent was not employed in the Bank as a 'workman'. Respondent was posted abroad on number of occasions and he always remained under order and command of the Bank, even while posted abroad. Very fact that respondent was charge-sheeted and proceeded against by Bank, was sufficient to establish that relationship of employer and employee existed between the parties.

Respondent had asserted that he was a workman and performing manual and clerical work. Burden shifted on the Bank to prove otherwise, which burden it had failed to discharge. Question whether respondent was a 'workman' or not was dealt with by the Court below. No strong reasons were available to disturb such finding of fact. Employee was rightly reinstated in circumstances. 2008 PLC 40.

**3. Reasonable opportunity, meaning of:** Authorised Officer to exercise discretion in a reasonable manner giving reasons in writing. Such reasons are open to examination by Court for justification of action. All possible grounds or reasons for proposed action must be conveyed to accused. Such grounds or reasons must be of nature sufficient to *prima facie* establish charge levelled and such grounds would substitute proof of allegations. Expression "reasonable opportunity" includes all possible defence documentary and oral which may be available to accused. Mere issuance of show-cause notice, and obtaining explanation is not sufficient. Accused has right to produce any oral or documentary evidence and can also ask employer to produce relevant documents. 1981 PLC 383.

**4. Jurisdiction--Labour Court can go into facts:** The appellant's petition under Section 25-A (Now Sec. 33) for enforcement of his right accrued under existing settlement was dismissed by Junior Labour Court for want of jurisdiction. It was contended that the Junior Labour Court had no jurisdiction to deal with an industrial dispute and as such any breach of settlement between the parties could be taken cognizance of by the Labour Court under Sec. 34 of the Industrial Relations Ordinance, 1969 (Now Sec. 42 of Punjab Industrial Relations Act, 2010).

WAPDA employees falling within exceptions to definition of 'civil servant' in Section 2(b) of Civil Servants Act, 1973. Not civil servant so as to be within exclusive jurisdiction to Service Tribunal. Words 'every person holding a post under the Authority' in Section 17 (1-B) of the West Pakistan Water and Power Development Authority Act, 1958, do not mean that without exception every employee of WAPDA deemed to be a civil servant. Words 'for purposes of the Service Tribunal Act, 1973' very significant. Employees covered by definition of 'workman' in the Factories Act, 1934 or the Workman's Compensation Act, 1923. Not civil servants, entitled to seek redress of grievance before Labour Court. Ledger-keeper/Bill Clerk in Power Wing of WAPDA covered by Cl. (xix) of Schedule 11 appended to Sec. 2 (n) of the Workmen's Compensation Act, 1923 excluded from definition of 'civil servant' hence entitled to grievance petition before Labour Court. 1983 PLC 1274.

Termination of service of workman was found to be illegal and offending against law by the Labour Court and Labour Appellate Tribunal. Labour Appellate Tribunal ordered withholding of back benefits on ground

that workman might ultimately be convicted by the Special Court. As a natural corollary, the workman having been found to be illegally terminated, back benefits to be paid to such workman unless it could be shown that he had been gainfully employed elsewhere during the relevant period. Burden to prove his such employment lay on the employer. Withholding of back benefits of workman without proving his such other gainful employment was improper, illegal and without jurisdiction in circumstances. The order of the Labour Appellate Tribunal by which back benefits were withheld was declared to be illegal and without jurisdiction to that extent. **PLD 1985 Quetta 100.**

Concurrent findings of two Courts of competent jurisdiction on basis of employee's admission that he was not a workman. Impugned order could not be deemed to be in violation of any provision of law or in excess of jurisdiction or suffering from any other jurisdictional infirmity. Mere fact that High Court might have taken different view on basis of evidence on record, would not warrant interference with concurrent finding of two competent forums in exercise of Constitutional jurisdiction. **1989 PLC 309.**

Petitioner himself challenged decision of Labour Court, before Labour Appellate Tribunal. Appeal was pending adjudication for which date of hearing was also fixed. Constitutional petition was not maintainable. **1989 PLC 323.**

High Court was also not right in taking the view that receipt of his dues by the petitioner debarred him from approaching the Labour Court. Leave was granted. **1988 SCLR 1089.**

Neither any misreading of evidence nor perverse appreciation of evidence by Tribunals below found. No case for interference, *held*, was made out. **1988 PLC 955.**

Dismissed or terminated workman has to be treated as workman for purposes of S. 25-A (Now Section 33). **1988 PLC 956.**

Employee having tendered his resignation after issue of charge-sheet could not frustrate inquiry and consequential infliction of punishment. **1989 PLC 276.**

Labour Court can go behind a dismissal order and see for itself whether on facts and in circumstances of case, dismissal order was or was not justified both on merits as well as law. **1988 PLC 887.**

Tribunal had not dilated upon evidence nor discussed material on record. Order of Labour Appellate Tribunal, *held*, was not in accordance with law. **1988 PLC 606**

Aggrieved workman, *held*, could bring his grievance before Labour Court even without first availing the remedy of departmental appeal. 1988 PLC 528.

Termination, *held*, was equivalent to dismissal for which grievance could be sought to be redressed. 1988 PLC 533.

Employee having been convicted it was not possible to reinstate him in his former post of cashier. Employee giving undertaking before the Court to serve the Bank as Assistant in any capacity and not insisting on the post of cashier thus leaving no point of grievance to Bank. 1989 SCMR 1252.

Petitioner did not act diligently before Labour Court and was rather indolent in pursuing his remedy. Supreme Court declined to interfere with the discretion exercised by High Court. 1990 SCMR 208.

Supreme Court has held that the remedy available to the petitioner is in the form of Section 7 of the Essential Services Act, it is implied that the High Court cannot entertain a petition. 1990 PLC 11.

Period prescribed for filing grievance petition would be the period prescribed under the provisions of Industrial Relations Ordinance (Now P.I.R.A.) and not that prescribed under the Workmen's Compensation Act. Benefit claimed related to disability. And employee had been diligently pursuing the remedy. Delay being not inordinate deserved to be condoned. 1990 SCMR 1206.

Labour Court as appellate authority, is not debarred from allowing raising an additional plea in an appeal arising out of an order passed by Authority under Payment of Wages Act.

Bank had not assailed order of Appellate Tribunal, but had impugned judgment of Labour Court which in fact was no more in field. Constitutional petition thus became infructuous. 1990 PLC 207.

Case being that of termination simpliciter, workman had failed to establish that action of employer was tainted with *mala fides* or that workman had been victimised or singled out for such action or that juniors to him had been retained by employer but he was ousted. Decision of employer terminating workman on ground that he had become surplus thus could not be questioned as neither it was colourable nor it was passed in contravention of law. 1990 PLC 213.

5. **Termination of service during probation:** Failure to show satisfactory progress should be a reality and not just a garb for terminating services of probationer. 1990 PLC 215.

Dismissal of services of a probationer without service of show-cause notice is not justiciable. NLR 1930 TD 37.

6. **Non-compliance of order of Labour Court--** Effect: Employee who was dismissed from service on ground of unauthorised absence, was reinstated in service with back benefits by Labour Court and that order of reinstatement was upheld even by High Court. High Court which had declined to interfere in decision of Courts below on merits, had disposed of Constitutional petition filed by employers with observation that employers, if so advised, would be at liberty to proceed afresh in the matter strictly in accordance with law. Employers, in pursuance of that judgment of High Court decided to hold a fresh inquiry against the employee. Employee in view of decision of Courts in her favour demanded back benefits, but request of employee was not accepted contending that since High Court had permitted employers to proceed afresh in matter, question of payment of back benefits would be decided after conclusion of enquiry. On such refusal on part of employers an application was filed by employee against employers under S. 25-A(8)(9) for taking action against employers for non-compliance of order of the Courts. Back benefits had been allowed to employee even upto High Court and in proceedings under sub-sections (8) & (9) of S. 25-A of the Ordinance, Labour Court being not competent to go behind its decision, objection of employers with regard to payment of back benefits to employee, could not sustain and employers were bound to pay back benefits to employee according to decision of Courts. **1994 PLC 680.**

7. **Under any law-meaning of:** In the application before the Labour Court, the allegation made by the respondent was that he was a permanent worker which was not denied; and as to whether the definition clause ousted a dismissed employee from seeking remedy under Section 25-A (Now Sec. 33) it was an open question which required examination at all levels. This much however is *prima facie* obvious from Section 25-A (Now Sec. 33) that it is available to a workman who has a grievance in respect of any right guaranteed by or "under any law" which would also include the violation of Service Rules incorporating the settled principles of law that the trial of the case and the evidence should remain confined to the pleadings of the parties and no new case be allowed to be set up in evidence. **NLR 1983 Lab. 81.**

8. **Word "himself" meaning:** The word "himself" is prefixed by the word "either" and coupled with the words "or through, his Shop Steward to Trade Union", The word "either" means "one or the other" and the word "through" denotes the concept of agency, Therefore, in construing the word "himself" the words "either" and "through" cannot be overlooked. The former refers to the alternatives while the latter means a medium of agency. The word "himself" means "the emphatic form of he, him: in his real character". Clearly, therefore, in using the word "either" the Legislature provided alternatives to the workman or his agent such as the Shop Steward or the Trade Union; and if the concept of agency is to be regarded as inherent in the

considered as continuous for the purpose of seniority, promotion and pension. **2003 PLC (CS) 36; 2003 SCMR 251.**

Reduction of back benefits by Labour Appellate Tribunal to half on the ground that the workman had not rendered practical service to the Establishment would not be justified when it is established on record that the workman had remained jobless throughout the intervening period. High Court accepting the writ petition and allowing full back benefits. **2004 TD (Labour) 212.**

Removal, from Service (Special Powers) Ordinance, 2000. No Regular Enquiry held. Summary procedure adopted without passing a speaking order and without giving reasons documents on the basis of which penalty has been imposed not provided to accused officer. The authority relied upon past punishment it amounted to double jeopardy. No body can be vexed twice.

Reinstated with all the back benefits. However department allowed to hold *de novo* enquiry. **PLJ 2004 Tr.C. (Ser) 1; 2004 Law Note FST 1980; 2004 PLC (CS) 1422.**

The worker clearly stated in petition of reinstatement with back benefits is entitled for back benefits. **1994 PLC 126.**

Even if the workman did not mention in petition or grievance notice that he remained jobless, he may only assert in statement. He will be entitled to back benefits. **1994 TD 145.**

3 workmen reinstated with the condition that they will not be paid back benefits. Later 2 of them paid. This is discrimination, the 3rd shall also be paid. **1994 TD (Labour) 175.**

Civil servant allowed BPS-15 with retrospective date should be allowed back benefits. **NLR 1994 TD (Service) 221.** No body shall be penalized for acts of Court. Case delayed due to act of Court back benefit allowed @ 50%. **KLR 1994 L&S 192.**

Back benefit granted by Labour Court, upheld by PLAT and High Court also, did not interfere. High Court simply ordered that employer if desired may hold fresh enquiry. Employer took stand that since enquiry has been ordered. Back benefit will become admissible on finalization of enquiry. No back benefit must be paid. **1994 PLC 680.**

Since the employee has asserted in petition that he remained jobless back benefit allowed. **1995 PLC 6.**

Refusal to accept temporary post during pendency of petition,, does not disentitle a worker from grant of back benefits. **NLR 1996 TD (Labour) 24.**

held, ... of notice,  
Representation requesting management to re-consider and review  
dismissal order and for being taken back in service is to be considered as  
grievance notice.

Grievance petition is maintainable for enforcement of vested right  
guaranteed under the law award or settlement. Railway employee (sweeper)  
required to work for one week on trial basis as ambulance driver without  
appointment as such. Mere fact of continued driving ambulance car for about  
7 months, *held*, conferred no right to hold post of driver. Grievance petition  
against reverting back as sweeper, in circumstances, was rightly rejected by  
Labour Court. 1982 PLC 94.

Misconduct involving punishment of dismissal proved in domestic  
enquiry. Direction to award lesser penalty solely lies with management.  
Labour Courts cannot sit in appeal over such orders of management. 1978  
PLC 43. What punishment of dismissal was awarded not on the basis of  
allegations made in charge-sheet but on different grounds the order of  
Labour Court setting aside dismissal or workman was not interfered with.  
1978 PLC 395.

Resignation of a worker does not *ipso facto* operate as termination of  
services. Management treating resignation of worker as termination of  
services without any formal order to that effect. Worker was directed to be  
re-instated in service. 1978 PLC 267.

The question as to whether or not an employee could agitate his  
grievance with regard to removal from service after he has accepted the dues  
would very much depend on the facts and circumstances of each case. The  
crux of the matter in each case would be as to whether or not the acceptance  
of the dues was coupled with a settlement outside the Court specifically  
indicating that such settlement was arrived at by burying all the disputes  
and claims, admitting the fact of removal from service as a *bona fide* and just  
act. But in such cases, where the employee had not demanded the dues in  
token of his having dropped his grievance of removal from service or a final  
settlement of all the disputes, etc., it would be deemed that by accepting the  
dues on the directions of the employer or even on his own demand, but  
without accepting the act of removal from service as a legal and valid act, he