

2025-PHHC-030613-DB



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

**LPA-95-2025 (O&M)**

**Date of decision: 03.03.2025**

**Om Parkash**

**.....Appellant**

**Versus**

**The Presiding Officer, Industrial Tribunal-cum-Labour  
Court, Rohtak and another**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH  
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. Nischal Chetanya Manchanda, Advocate,  
for the appellant.

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**SUDHIR SINGH (ORAL)**

**CM-209-210-LPA-2025**

For the reasons mentioned in the applications, same are allowed and delay of 376 days in filing and 91 days in refilling of the appeal is condoned.

**LPA-95-2025 (O&M)**

The challenge in the instant intra Court appeal is to the order dated 14.07.2023 passed by the learned Single Judge of this Court, whereby writ petition (CWP-1037-2019) filed by the petitioner-appellant was dismissed.

2. Before the learned Single Judge, the appellant had laid challenge to the award dated 09.10.2018 (Annexure P-7 with the writ petition) passed by the Industrial Tribunal-cum-Labour Court, Rohtak, whereby the reference had been answered against the appellant-workman.

3. As per the facts on record, the stand of the appellant was that initially, he had been appointed as *Safai Karamchari* (Sweeper) on 31.10.1993 and his services were terminated on 31.12.2002 verbally and without assigning any reason. Vide Award dated 04.01.2006, the relief of reinstatement with continuity of service, without back wages, was granted to the appellant.

4. The respondent-Management challenged the said Award by way of CWP-15978-2006. The appellant claimed not to have received any notice of the aforesaid writ petition and accordingly, he could not appear in the said proceedings. During the pendency of the said petition, the appellant was reinstated in service on 17.04.2007. Later on, the petition i.e. CWP-15978-2006 filed by the respondent-Management was allowed on 18.03.2011 by setting aside the Award dated 04.01.2006.

5. We have heard learned counsel for the appellant and have also gone through the impugned order(s).

6. In our opinion, the only question that arises for consideration in the present appeal is, whether the impugned order requires any interference by this Court.

7. The sole ground of challenge of the appellant was that he was retrenched by the respondent-Management without complying with the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short 'the Act). However, the learned Single Judge has found that once the earlier Award, which was subject matter of challenge in CWP-15978-2006 was set aside by this Court and the said order had attained finality, the appellant cannot be heard saying that he was retrenched in violation of the provisions of Sections 25-F, 25-G and 25-H of the Act. Such finding was recorded in view of the fact that his reinstatement pursuant to the earlier Award passed by the Labour Court, was during the pendency of CWP-15978-2006. With the setting aside of the earlier Award, his last reinstatement would automatically come to an end. Therefore, we find that the impugned order passed by the learned Single Judge is perfectly valid.

8. Learned counsel for the appellant has made a feeble attempt to argue that the appellant did not receive any notice of the hearing of CWP-15978-2006, yet he could not point out as to whether, he had laid any challenge to the decision of this Court in the aforesaid petition. He could also not dispute the order passed in CWP-15978-2006 having attained finality. This being the position, we do not find any patent illegality or irregularity in the impugned order passed by the learned Single Judge.

9. In view of the above, finding no merits, the present appeal is hereby dismissed.

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

**(SUDHIR SINGH)  
JUDGE**

**(SUKHVINDER KAUR)  
JUDGE**

03.03.2025

Ajay Prasher

*Whether speaking/reasoned* : Yes/No

*Whether reportable* : Yes/No