



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

**LPA-2667-2024 (O&M)
Decided on: 28.04.2025**

ARUN KUMAR

....Appellant

versus

THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-cum-LABOUR
COURT, PANIPAT & ANR.

....Respondents

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

Present:- Mr. Karan Bhardwaj, Advocate for the appellant.

SUDHIR SINGH, J.

CM-6509-LPA-2024

For the reasons given in the application, the same is allowed.

Delay of 236 days in filing the appeal is condoned.

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Challenge in the instant intra Court appeal is to the order dated 03.11.2023 passed by the learned Single Judge, whereby the writ petition filed by the appellant was dismissed.

2. Before the learned Single Judge, the appellant had laid challenge to the award dated 22.01.2020 (Annexure P-7 with the writ petition), passed by the Industrial Tribunal-cum-Labour Court, Panipat (for short 'the Tribunal'), whereby a reference was answered against the appellant.

3. As per the facts on record, it was the case of the appellant that he was appointed on 01.01.1998 and he worked under the respondent-

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Management till his services were illegally terminated on 15.05.2007, despite the fact that he had completed more than 240 days continuous service in the past 12 months. The appellant alleged violations of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short 'the Act'). The claim of the appellant was disputed by the respondent-Management asserting therein that he had only been engaged as a part time sweeper for a few hours a day and that he himself left the services on 20.04.2004 without any intimation. It was further claimed that owing to the said conduct of the appellant, there was no occasion to comply with the provisions of the Act.

4. The Tribunal rejected the claim of the appellant holding that he did not produce on record any appointment letter and that there was no documentary evidence on record indicating that he had served the respondent-Management from 01.01.1998 to 15.05.2007. It was further found that the appellant had failed to prove that he had worked for a continuous period of 240 days during the last 12 calendar months and that the claim of the appellant was barred by limitation.

5. Learned counsel appearing for the appellant has vehemently argued that the appellant had served the respondent-Management for 9 years i.e., from 01.01.1998 to 15.05.2007 and his services were terminated without complying with the mandatory provisions of Section 25-F of the Act. It is further argued that both, the Tribunal and the learned Single Judge, have wrongly held that the claim of the appellant was barred by limitation. It is further argued that once, it was the pleaded case of the appellant that he had served the respondent-Management for 9 years, the onus was upon the

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respondent-Management to prove that the said contention was wrong, by leading cogent and convincing evidence, particularly when, the respondent-Management was possessed of the relevant record in respect of the services rendered by the appellant.

6. We have heard learned counsel for the appellant and have also gone through the case file, including the impugned order.

7. The only question that arises for consideration by this Court is whether the impugned order passed by the learned Single Judge requires any interference.

8. A perusal of the impugned order passed by the learned Single Judge as also the award passed by the Tribunal, would make it clear that no evidence was led by the appellant in respect of him having served the respondent-Management for 9 years as alleged by him. The appellant had failed to prove that he had rendered 240 days of continuous service in a calendar year preceding his alleged retrenchment and in the absence thereof, he was not entitled to the protection of provisions of Section 25-F of the Act. It was further found that the appellant alleged that his services were terminated on 15.05.2007, whereas the claim was filed after 10 years, which clearly established that the claim was barred by limitation. In our opinion, owing to the facts and circumstances of the case, the learned Single Judge was perfectly justified in maintaining the award passed by the Tribunal and further holding that the jurisdiction of the High Court in issuing the writ of Certiorari in examining the award passed by the Tribunal, is supervisory in nature and not the appellate one. Even before this Court, the learned counsel for the appellant could not point out to any material or evidence on record,

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indicating that he had served the respondent-Management for 9 years as alleged by him.

9. No other point has been urged.
10. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.
11. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(ALOK JAIN)
JUDGE

28.04.2025
himanshu

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No