



CWP-6564-2025 & connected case 1

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

(113) CWP-6564-2025
Date of Decision : March 10, 2025

Rabbi Singh .. Petitioner

Versus

**Presiding Officer, Labour Court-cum-Industrial Tribunal, Ludhiana
and others**

.. Respondents

(114) CWP-6581-2025

Nand Lal .. Petitioner

Versus

**Presiding Officer, Labour Court-cum-Industrial Tribunal, Ludhiana
and others**

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Jyoti Yadav, Advocate, for the petitioner(s)
in both petitions.

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, two writ petitions, the details of which have been given in the heading, are being disposed of as both the petitions involve the same question of law on similar facts.

2. In the present writ petitions, the grievance of the petitioner(s) is that their services were terminated by the respondents and the petitioner(s) had approached the Labour Court that their services have been terminated in violation of the Industrial Disputes Act, 1947 (hereinafter referred as '1947

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Act') but vide Award dated 25.04.2024 (Annexure P-1), the claim of the petitioner(s) has been rejected.

3. Learned counsel for the petitioner(s) argues that once the petitioner(s) have worked for a period of two years with the respondents and had completed 240 days in service in 12 months preceding their termination, the respondents were under an obligation to grant the petitioner(s) the benefit of Section 25-F of the 1947 Act so as to grant them the retrenchment compensation which was not granted hence, the termination of the services of the petitioner(s) by the respondents is in violation of provisions of 1947 Act, which fact has been ignored by the Tribunal while rejecting the claim of the petitioner(s).

4. I have heard learned counsel for the petitioner(s) and have gone through the record with her able assistance.

5. It may be noticed that it is a conceded position that the petitioner(s) were appointed on contract for a period of two years. That contract was entered when the petitioner(s) had already crossed the maximum age of working. Further, the petitioner(s) were appointed as Volunteer under the Guardians of Governance Scheme which was started by the Government on 06.09.2017.

6. The first thing which is to be seen is whether, a Volunteer, who is working under a particular scheme, can be treated as workman or not. A volunteer is not a workman and is only extending his/her services unilaterally for the scheme. The scheme has already been terminated after a period of two years. After the termination of the scheme, it cannot be said that the petitioner(s) are to be treated as workmen so as to be granted the



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benefit under 1947 Act.

7. Further also, even if it is assumed for the sake of argument that the petitioner(s) are the workmen then also the petitioner(s) were only appointed for a period of two years under a particular scheme. The period of two years elapsed and the scheme was never carry forwarded thereafter. At the end of the scheme as well as contractual period, the services of the petitioner(s) came to an end automatically, which cannot be treated as a termination. Section 2(oo) (bb) of the 1947 Act take care of such eventualities qua the grant of retrenchment compensation.

8. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

9. Accordingly, the writ petitions are dismissed in limine.

10. A photocopy of this order be placed on the file of other connected case.

March 10, 2025

harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No