

2025:PHHC:011835-DB



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

LPA-216-2025 (O&M)

Date of decision: 24.01.2025

RAJENDER

.....Appellant

Versus

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, HISAR AND ANR

.....Respondents

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

Present:- Mr. Tara Chand Dhanwal, Advocate for the appellant.

SUDHIR SINGH, J.

Challenge in the instant intra Court appeal is to the order dated 16.12.2024 passed by the learned Single Judge, whereby the writ petition filed by the appellant was dismissed.

2. By way of the writ petition, the appellant had challenged the award dated 28.05.2004 (Annexure P-11), whereby the Industrial Tribunal-cum-Labour Court, Hisar (for short 'the Tribunal') had answered the reference against the appellant-workman holding that he had not completed 240 days during 12 months preceding the date of his retrenchment and that he was not entitled to the benefit of the provisions of Section 25F of the Industrial Disputes Act, 1947 (for short 'the Act').

3. The learned Single Judge, while dismissing the writ petition has found that the factum of the appellant not completing 240

days in preceding 12 months before his retrenchment was proved on record.

4. Before this Court, the learned counsel appearing for the appellant reiterates the grounds taken in the writ petition and the submissions made before the learned Single Judge. However, we do not find any merit in the present appeal. As per the facts on record, the appellant was appointed as Chowkidar on 01.04.1997 and he was retrenched on 31.03.1999. The Labour Court had found that onus to prove that the appellant had continuously worked for 240 days was upon him, but he failed to discharge the said onus and rather, the Management by producing the record of the attendance of the appellant-workman, proved that he had only worked for 89 days during the period April, 1998-March, 1999.

5. Since the appellant had failed to establish on record that he had worked for 240 days preceding his retrenchment, we do not find any illegality in the impugned order passed by the learned Single Judge. Consequently, finding no merit in the present appeal, the same is hereby dismissed.

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

[SUDHIR SINGH]
JUDGE

[SUKHVINDER KAUR]
JUDGE

24.01.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No