



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

(222)

CWP No. 1583 of 2016 (O&M)

Date of Decision : 21.04.2025

**Sanjay**

**...petitioner**

**Versus**

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

**...Respondents**

***CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present: Mr. S.P. Chahar, Advocate for the petitioner.

Mr. Ashwani Talwar, Advocate with  
Mr. Nikhil Sehrawat, Advocate for respondent No. 2.

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***Harsimran Singh Sethi J. (Oral)***

1. In the present petition, the challenge is to the Award dated 28.02.2014 (Annexure P-1) by which the claim raised by the petitioner-workman that his services have been illegally terminated in violation of the provisions of Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act'), has been declined.

2. Learned counsel for the petitioner-workman submits that the petitioner-workman has raised a grievance that he was appointed as a Milling Machine Operator on 02.02.1998 and continued to discharge the duties upto 08.08.2000 when his services were illegally terminated but the Tribunal without appreciating the material evidence which was brought on record, held that the petitioner-workman has failed to bring on record the sufficient evidence to prove that he had worked for more than 240 day in previous 12



months prior to his alleged date of termination by respondent No. 2 so as to claim the benefit of reinstatement/continuity of service along with full back wages under the provisions of the 1947 Act.

3. Learned counsel for the petitioner-workman argues that the petitioner-workman has placed on record certain documents to show that he was working and the said documents have been ignored while passing the order dated 28.02.2014 (Annexure P-1).

4. Learned counsel for the respondent-department submits that the petitioner-workman was working only as an apprentice and that too for a period of one month i.e. 01.06.2000 till 01.07.2000 and, therefore, the prayer of the petitioner-workman that he had worked for 240 days prior to the termination of his services, is incorrect and which fact has been rightly appreciated by the Tribunal to decline the relief of reinstatement along with back wages and the Award dated 28.02.2014 (Annexure P-1) may kindly be upheld.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. As per the settled principle of law, the burden of proving the employment and the duration of the employment is on the petitioner-workman. The petitioner-workman has not produced any appointment order or the payment slips by which he was being paid by the respondent-department. Only a bald statement has been recorded in his affidavit that he had worked from February, 1998 till August, 2000. Once, an assertion has been made by the petitioner-workman-workman, the same has also to be proved by adducing material evidence. Concededly, no such material



evidence has been brought on record by the petitioner-workman to show the appointment or that the salary was being paid by the respondent-department to prove that he had worked for more than 240 days.

7. The findings which have been recorded by the Tribunal in paragraph 12 of the Award dated 28.02.2014 (Annexure P-1) has gone un rebutted. The Award dated 28.02.2014 (Annexure P-1) of the Tribunal can only be interfered in case the same is perverse to the facts and the material evidence which has come on record. Learned counsel for the petitioner-workman has not been able to point out any perversity rather the effort of the learned counsel for the petitioner-workman is that the case should be re-looked into and a fresh order be passed by re-appreciating the facts and the evidence so as to arrive at a different conclusion than the one arrived at by the Tribunal, which is not possible.

8. As no perversity has been pointed out in the impugned Award dated 28.02.2014 (Annexure P-1) by the counsel for the petitioner-workman, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

9. Dismissed.

10. Pending miscellaneous application, if any, also stands disposed of.

April 21, 2025  
kanchan

(HARSIMRAN SINGH SETHI)  
JUDGE

*Whether speaking/reasoned : Yes*

*Whether reportable : No*