



**CWP-14284-2019 (O&M)                      -1-**  
**& connected cases**

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

**225 (03 cases)**

**CWP-14284-2019  
Date of Decision :09.07.2025**

**Birender Kumar**

**...Petitioner**

**Versus**

**M/s Achiever Creations (P) Ltd.  
and another**

**...Respondents**

**CWP-14392-2019**

**Mahender Kumar**

**...Petitioner**

**Versus**

**M/s Achiever Creations (P) Ltd.  
and another**

**...Respondents**

**CWP-28523-2019**

**Himalaya Khan**

**...Petitioner**

**Versus**

**M/s Achiever Creations (P) Ltd.  
and another**

**...Respondents**



**CWP-14284-2019 (O&M)  
& connected cases**

**-2-**

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

Present: Mr. Ashwani Bakshi, Advocate for the petitioner(s).

None for respondent No.1

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

1. In the present bunch of petitions, the details of which are mentioned in the heading, the challenge is to the awards passed by the Industrial Tribunal-cum-Labour Court-II Gurugram in respective writ petitions by which, the challenge to the order of termination of service at the hands of the petitioner(s)-workmen has been declined holding that there is no illegality in the said order of termination of service keeping in view the provisions of Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act').

2. Learned counsel for the petitioner(s)-workmen argues that the petitioner(s)-workmen were working from the year 2003 and 2007 onwards and after certain years of service, without any justification, the services of the petitioner(s)-workmen were terminated on 24.01.2011, which action on the part of the respondent No.1-management is arbitrary and illegal and Section 25-F of the 1947 Act was not complied with.

3. Learned counsel for the petitioner(s)-workmen further argues that as the reason given for the termination of service of the petitioner(s)-workmen was for participation in the illegal strike, the said misconduct should have been proved before terminating the services of the petitioner(s)-workmen on 24.01.2011, which process was not followed by the respondent-



**CWP-14284-2019 (O&M)  
& connected cases**

-3-

management and therefore, the impugned awards passed by the Labour Court without considering the said fact, is liable to be set aside.

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

5. It may be noticed that the petitioner(s)-workmen approached the Labour Court with the plea that they were appointed in service in the year 2007 and 2003 and no appointment order was given to them and after certain years i.e. on 24.01.2011, their services were terminated whereas, as per the material evidence which had been brought on record and the detail mentioned in para-13 of the awards dated 24.05.2018 (Annexure P/8) in CWP-14284-2019 and CWP-14392-2019, the appointment order was of 01.07.2010 and in the award dated 19.07.2018 in CWP-28523-2019, the appointment order was of 01.09.2010. Not only this, even the bio-data which was submitted by the petitioner(s)-workmen to seek appointment and other declarations, were brought on record to show that the appointment of the petitioner(s)-workman was from 01.07.2010 rather than from the year 2007 in CWP-14392-2019 & CWP-14284-2019 and was from 01.09.2010 in CWP-28523-2019 rather than from year 2003.

6. Keeping in view the facts mentioned hereinbefore, the argument of the learned counsel for the petitioner(s)-workmen that their services have been terminated on 24.01.2011, needs to be adjudicated in the light of the findings recorded by Labour Court while passing the award dated 24.05.2018 (Annexure P/8).

7. As per the respondents, the petitioner(s)-workmen participated



**CWP-14284-2019 (O&M)  
& connected cases**

**-4-**

in an illegal strike and thereafter they compromised, the petitioner(s)-workmen did not join the duties back and there was no termination of the services of the petitioner(s)-workmen. The said averment has been accepted by the Labour Court. Once, the assertion is that the petitioner(s)-workmen left the job coupled with the fact that the petitioner(s)-workmen never approached even the Labour Court with clean hands rather the petitioner(s)-workmen tried to mislead the Labour Court by giving false date of appointment, the findings recorded by the Labour Court that the petitioner(s)-workmen did not perform the duty for a period of 240 days and there was no order terminating the services of the petitioner(s)-workmen so as to claim violation of 1947 Act needs no interference by this Court.

7. Further, where a workmen worked only for a period of 07 months and has not completed 240 days in service and as per the respondents, the petitioner(s)-workmen stopped performing the duties, the said finding recorded by the Labour Court has not been proved to be perverse to the facts and material evidence brought on record. Hence, no ground for interference in the impugned award(s) by this Court is made out and the writ petitions are accordingly dismissed.

8. Civil miscellaneous application pending, if any, is also disposed of.

9. A photocopy of this order be placed on the file of connected cases.

**July 09, 2025**  
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**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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