



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(209)

CWP No. 4521 of 2001 (O&M)

Date of Decision : 25.07.2025

State of Haryana

...Petitioner

Versus

Sh. Naresh and another

...Respondents

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

Present: Mr. Naveen Singh Panwar, Deputy Advocate General, Haryana.

Mr. Nihal S. Choudhary, Advocate for respondent No. 1.

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

1. In the present petition, the challenge is to the Award dated 10.12.1999 (Annexure P-5) passed by the Labour Court by which termination of the services of the respondent-workman has been held to be bad on the ground that the employees juniors to respondent No. 1 were retained in service and consequently, benefit of reinstatement with continuity in service and 50% back wages has been granted from the date of demand notice till the release of the same. The said Award has been challenged in the present petition and the operation of the same was stayed while issuing notice of motion vide order of this Court dated 27.03.2001, which interim order continues even as on today.

2. Learned counsel for the petitioner argues that in case, the benefit has been given on the ground that the employee junior to respondent No. 1 were retained, then specific names of the juniors, who were appointed in service after respondent No. 1, has to be provided in detail in the claim petition as well as brought on record as evidence whereas, the Tribunal without giving the details of any such employees junior to respondent No. 1, has held the termination to be bad on the ground that juniors were retained. Learned counsel for the



petitioner submits that unless details of the employees junior to respondent No. 1 has been given in the Award and same is proven that such employees were retained in preference to respondent No. 1 despite being junior, no benefit could have been given to respondent No. 1 under the Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act').

3. Learned counsel for the respondent No. 1 submits that though, employees juniors to respondent No. 1 were retained in service but no name or details of such employees has been given in the impugned Award. On being asked to point out any name of the junior who was working at the time when the services of the respondent No. 1-workman were terminated, no such evidence has been brought on record before Labour court.

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

5. The finding in the Award has to be supported by the facts which have been proved by way of evidence and by giving the details of such facts and evidence while recording the finding. In the present case, the finding has been recorded that employees junior to respondent No. 1-workman were retained while the services of the workman were terminated but no such fact or the evidence giving the details of the names of the juniors mentioned in the claim petition or brought on record in the evidence have been given in the impugned Award to support the said finding.

6. In the absence of any such fact given, bald statement made while recording the finding that the employees junior to respondent No. 1 were retained, cannot be accepted. Only findings which are supported by the facts and evidence be upheld and not otherwise hence, the impugned Award which is



totally silent about the names and details of the juniors and the evidence giving the details of such juniors, which has come on record proving that employees junior to respondent No. 1-workman have been retained so as to reach the conclusion that there has been violation of the provisions of 1947 Act, cannot be accepted.

7. Keeping in view the totality of the facts and circumstances of present case, the findings recorded by the Labour Court are not supported by any evidence brought on record hence, the same cannot be sustained and the same is set-aside. The case is remanded back to the Tribunal for fresh and proper adjudication by giving the details and the reasons which should be based on the evidence on record in order to record any finding either in favour of respondent No. 1-workman or in favour of the petitioner-department.

8. Let the parties appear before the Labour Court on 22.08.2025.

9. As the case is very old, the Labour Court is requested to conclude the proceedings within a period of six months of the first date of hearing before the Labour Court by following procedure as envisaged under law.

10. Petition is disposed of in above terms.

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

**July 25, 2025**  
*kanchan*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes*

*Whether reportable : No*