



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

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**CWP-16456-2001 (O&M)
Decided on :01.05.2025**

RAM KUMAR

..Petitioner

Versus

THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, HISAR AND OTHERS

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Sanjeev Gupta, Advocate and
Mr. Naveen Jhajholia, Advocate for the petitioner.

None for the respondent.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned award dated 09.04.2001 (Annexure P-7) by which, the claim of the petitioner that his services have been terminated by the respondent-department in violation of the provision of the Industrial Disputes Act, 1947 (For short '1947 Act') has been rejected by the labour Court. The prayer of the petitioner is that the said impugned order be set-aside and the petitioner be granted the benefit of reinstatement in service alongwith consequential benefits.

2. Learned counsel for the petitioner submits that the petitioner was appointed by the respondents in the year 1993 and had worked till 01.07.1996 i.e. the date when he was not allowed by the respondent-

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department to perform his duties anymore and that he had worked for 240 days in a calendar year prior to termination of his services, hence, he is entitled for the benefit of provisions of Section 25 -F of the Industrial Disputes Act, 1947 i.e. retrenchment compensation and as the said benefit was not extended to the petitioner, the termination of the service of the petitioner is bad and the petitioner is entitled for the benefit of reinstatement in service alongwith full back wages. Learned counsel for the petitioner further submits that findings which have been recorded by the labour Court in its impugned award dated 09.04.2001 (Annexue P-7) is incorrect.

3. I have heard learned counsel for the petitioner and have gone through the case file with his able assistance.

4. The argument of the petitioner that the petitioner had completed 240 days in a calendar year prior to his termination of his services is to be considered in view of the findings recorded in the paragraph No. 12 of the Impugned Award dated 09.04.2001 (Annexure P-7). In paragraph No. 12 of the award, 'the witness which was examined by the claimant, stated that the claimant had only worked from 01.06.1993 till 30.11.1993 and thereafter, from 01.02.1994 till 31.07.1994. No evidence has come on record which could prove the assertion that the petitioner had worked upto 01.07.1996'. Keeping in view the evidence which has been brought on record, the petitioner has failed to prove that he had worked for 240 days in a calendar year prior to the date of his termination of his service. That being so, the claim of the petitioner that his services have been terminated in violation of the 1947 Act has rightly been rejected by the labour Court vide its impugned award dated 09.04.2001 (Annexure P-7).

5. Even otherwise, the impugned Award dated 09.04.2001 (Annexure P-7) of the Labour Court can only be interfered in case the same

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is shown to be perverse to the facts or evidence which has come on record. In the present case, no such perversity has been shown to this Court qua the impugned Award dated 09.04.2001 (Annexure P-7) that the same is contrary to the facts or the evidence which has come on record.

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

7. Accordingly, the writ petition is dismissed.

8. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

01.05.2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: ~~Yes~~/No