

2025:PHHC:024082-DB



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

LPA-114-2025 (O&M)

Date of decision: 18.02.2025

PRINCIPAL, GOVERNMENT SENIOR SECONDARY SCHOOL,
P.O. KAKNI, SULTANPUR (AMBALA) AND ANR.

.....Appellants

Versus

SEO RAM AND ANR.

.....Respondents

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

Present:- Mr. Samarth Sagar, Addl. A.G., Haryana.

SUDHIR SINGH, J.

CM-253-LPA-2025

For the reasons given in the application, the same is allowed. Delay of 196 days in re-filing the appeal is condoned.

CM-255-LPA-2025

For the reasons given in the application, the same is allowed. Delay of 48 days in filing the appeal is condoned, subject to all just exceptions.

LPA-114-2025

Challenge in the instant intra Court appeal is to the order dated 29.02.2024 passed by the learned Single Judge of this Court, whereby the writ petition filed by the appellants was dismissed.

2. Before the learned Single Judge, the appellants had laid challenge to the award dated 26.07.2013 (Annexure P-5 with the writ petition) passed by the Industrial Tribunal-cum-Labour Court, Ambala, whereby the reference had been answered in favour of the respondent No.1-workman.

3. As per the facts on record, it was the case of the workman that he was appointed as a Sweeper-cum-Chowkidar by the appellants on 28.02.2005 and the last drawn wages of the respondent-workman were Rs.1,800/-. It was further the case of the respondent-workman that the appellant school upon its up-gradation to Senior Secondary School, was requested to release his wages but instead, his services were abruptly terminated w.e.f 31.07.2011. It was further the case of the respondent-workman that he had completed 240 days in the preceding calendar year and, therefore, while retrenching him, the provision of Section 25-F of the Industrial Disputes Act, 1947 (for short 'the Act') were not complied with. The said claim of the respondent-workman was contested by the appellants asserting therein that he was appointed as Sweeper on the basis of a resolution passed by the Parents Teachers Association/Committee for two hours a day to clean the school campus during the school working days on the agreed amount of wages. The Labour Court had answered the reference in favour of the workman after returning a finding that his services had been illegally retrenched by the appellants.

3. Learned counsel appearing for the appellants submits that while passing the impugned order, the learned Single Judge has not taken into consideration that the respondent-workman was not

appointed against a sanctioned post and that there was no substance in the contention raised by the respondent-workman that he had served the department from 28.02.2005 to 31.07.2011. It is further argued that as the services of the respondent-workman were taken through the resolution passed by the Parents Teachers Association/Committee, the Labour Court ought not to have ordered his reinstatement. It is also argued that as the respondent-workman was being paid the wages from the funds collected from Parents and Teachers, the directions as regards his reinstatement are totally perverse and, therefore, the impugned order passed by the learned Single Judge and the award of the Industrial Tribunal, are liable to be set aside.

4. We have heard the learned counsel for the appellant and have also gone through the impugned order.

5. The only question that arises for consideration by this Court is whether the order passed by learned Single Judge, requires any interference.

6. The learned Single Judge has noticed in the impugned order that the appellants did not lead any evidence before the Industrial Tribunal that any amount of compensation as stipulated under Section 25-F of the Act was paid to the respondent-workman or he did not complete 240 days in the preceding 12 calendar months before the retrenchment of his services. We have also perused the award dated 26.07.2013 passed by the Industrial Tribunal. The appellants have not been able to dispute the findings of the learned Industrial Tribunal as regards the post of Sweeper lying vacant since 2005.

7. There is also no dispute regarding the respondent-workman having rendered the services as Sweeper in the appellant-school. Such services have been only disputed by the appellants on the ground that he had been appointed through the resolution of the Parents Teachers Association/Committee. That being the position coupled with the fact that the post of Sweeper, has been lying vacant since 2005, we find that no fault can be found with the impugned order passed by the learned Single Judge. It could not be shown that the findings recorded by the learned Single Judge and that by the Industrial Tribunal are perverse or illegal.

8. No other point has been urged.

9. In view of the above findings, no merit in the present appeal, the same is hereby dismissed.

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

**[SUDHIR SINGH]
JUDGE**

**[SUKHVINDER KAUR]
JUDGE**

18.02.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No