

2025.PHHC:046272-DB



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

1. LPA-830-2025 (O&M)

THE LADWA COOPERATIVE MARKETING-CUM-
PROCESSING SOCIETY LIMITED, LADWA, DISTRICT
KURUKSHETRA & ANR.

.....Appellants

Versus

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, AMBALA & ANR.

.....Respondents

2. LPA-831-2025 (O&M)

THE LADWA COOPERATIVE MARKETING-CUM-
PROCESSING SOCIETY LIMITED, LADWA, DISTRICT
KURUKSHETRA & ANR.

.....Appellants

Versus

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, AMBALA & ANR.

.....Respondents

3. LPA-832-2025 (O&M)

THE LADWA COOPERATIVE MARKETING-CUM-
PROCESSING SOCIETY LIMITED, LADWA, DISTRICT
KURUKSHETRA & ANR.

.....Appellants

Versus

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, AMBALA & ANR.

.....Respondents

Date of decision: 01.04.2025

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

Present:- Mr. Kuldip Singh, Advocate for the appellant.

Mr. Kashish Saini, Advocate for
Mr. Raghav Sharma, Advocate
for respondent-Caveator No.2.

SUDHIR SINGH, J.

This order shall dispose of the above noted three appeals arising out of the order dated 22.01.2025 passed by the learned Single Judge, whereby the writ petitions filed by the appellants, were dismissed. However, for the facility, the facts are taken from LPA-830-2025.

2. Before the learned Single Judge, the appellants had laid challenge to the award dated 14.01.2022 passed by the Industrial Tribunal-Cum-Labour Court, Ambala (for short 'the Labour Court'), whereby the workman was held entitled to re-instatement in service on the same terms of the appointment letter dated 04.10.2013 along with full backwages of his last drawn salary from the date of termination i.e., from 13.11.2019.

3. The appellants had agitated before the learned Single Judge, that the services of the respondent-workman were terminated in June, 2014. Upon a challenge to the said termination, it was held to be bad in law and the workman was ordered to be reinstated with full backwages. It was further the case of the appellants that no finding had been recorded by the Labour Court as regards the completion of 240 days by the respondent-workman and, thus, the provisions of Section 25-F of the Act ought not to have been invoked by the Labour

Court. On the other hand, it was the case of the respondent-workman that he had been appointed after following the proper procedure, but his services were terminated in violation of the provisions of the Act. The Deputy Registrar Co-operative Society, Kurukshetra, vide order dated 14.03.2017, set aside the order terminating the services of the workman. The appeal preferred by the appellants before the Additional Registrar (Store) Co-operative Society, Haryana, was dismissed on 09.09.2019 and the respondent-workman was allowed to join the services on 14.09.2019, but his services were again terminated on 13.11.2019 and the termination was made, the subject matter of the proceedings before the Labour Court. The Labour Court had held that the services of the respondent-workman were wrongly terminated on 13.11.2019.

4. The learned Single Judge, after hearing the rival contentions, dismissed the writ petition(s) filed by the appellants, as noticed above.

5. Learned counsel for the appellants has vehemently argued that the true facts and circumstances of the case were withheld by the then Managing Committee, because of the vested and personal interest. It is further argued that the appellants had brought the true and correct factual position to the notice of the learned Single Judge, by filing separate miscellaneous applications in the writ petitions, but the said applications were not considered. It is further argued that the respondent-workman was appointed without following any procedure under the Rules and the appointment letter was issued to the respondent-workman for a period of six months. It is further argued

that the respondent-workman and the workmen in the connected petitions are the near relations of the members of the Board of Directors of the appellant-Society as well as the Inspector In-charge of the Society and, thus, it cannot be said that they had been appointed by following the proper procedure. It is further argued that the appointment of the respondent-workman was in violation of Rule 112 of the Haryana Co-operative Society Rule, 1989 and no specific prior permission of the Registrar, Co-operative Society, Haryana, Panchkula had been sought under the said Rule. It is also argued that the learned Single Judge, did not consider the aforesaid aspect of the matter and hence, the impugned order is liable to be set aside.

6. We have heard the learned counsel for the appellants and have also gone through the impugned order passed by the learned Single Judge.

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

8. There is no dispute as regards the appointment of the respondent-workman on 10.10.2013. It is not disputed that the respondent-workman continued working up till June, 2014 and the termination of his services was set aside by the Deputy Registrar Co-operative Society on 14.03.2017 and an appeal filed there-against was dismissed on 09.09.2019 by the Additional Registrar, Co-operative Society, which led to the re-instatement of the respondent-workman on 14.09.2019. As noticed above, the learned Labour Court vide award dated 14.01.2022 had found that the termination of the

services of the respondent-workman on 13.11.2019 were in violation of the provisions of the Act. It was further found by the learned Single Judge, that once the re-instatement order was complied with by the appellants, it was deemed that respondent No.2-workman was in continuous service from 10.10.2013 till the date of termination of his services again on 13.11.2019.

9. We find that the argument raised by the learned counsel for the appellants that the respondent-workman and the other workmen in the connected appeals, are/were the relatives of the members of the Board of Directors, and, therefore, their appointment was against the Rules, cannot be allowed to be raised for the first time in the instant appeal. At the same time, it may be noticed that the appellants have filed CM-2350-2025 and other similar applications in the connected cases, for additional evidence, allowing them to place on record Annexure-AA1 i.e., letter dated 6.11.2019, but the fact remains that the said letter was not produced before the learned Single Judge and no explanation is coming forth except the one, that the said letter was not readily available in the records of the Society. The said argument does not appeal to the common prudence as it is the appellant-Society, which was to produce such document if the same was thought to be relevant, before the learned Single Judge. However, we find that no case is made out to allow the said application at this stage.

10. The appointment of the respondent-workman not being in dispute and further the fact that the respondent-workman was reinstated in 2019 and his further termination on 13.11.2019 having

been found in violation of the provisions of the Act, we find that the learned Single Judge was perfectly justified in passing the impugned order. We find that there is no scope for interference in the present bunch of appeals and accordingly, the same are liable to be dismissed.

11. No other point has been urged.

12. In view of the above, finding no merit in the present bunch of appeals, the same are hereby dismissed.

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

**[SUDHIR SINGH]
JUDGE**

**[SUKHVINDER KAUR]
JUDGE**

01.04.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No