



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

208

CWP-28956-2018**Decided on : 17.07.2026**

Principal, Vaish Technical Institute, Rohtak

... Petitioner(s)

Versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Rohtak and another

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Lokesh Sharma, Advocate and
Mr. Saurabh Sharma, Advocate
for the petitioner(s). (through VC)

Mr. Sandeep K. Sharma, Advocate
for respondent No.2.

KIRTI SINGH, J. (Oral)

1. Present writ petition has been filed by the petitioner – Management i.e. Principal, Vaish Technical Institute, Rohtak, whereby, award dated 05.09.2018 (Annexure P-7), passed by learned Industrial Tribunal-cum-Labour Court, Rohtak (for brevity, ‘learned Tribunal’) has been challenged, vide which, reference No.87 of 2016, has been answered in favour of respondent No.2 –workman, by observing that there is a clear violation of Section 25-H of the Industrial Disputes Act, 1947 (in short, ‘ID Act’).

2. A perusal of the case record reveals that the Management in its written statement filed before the learned Tribunal, admitted that respondent No.2 was appointed as ‘Mali-cum-Chowkidar’ in the Institute on adhoc/contract basis at a salary of Rs.1700/- per month paid from the hostel fund and that he worked with the Management from 13/14.07.2010 to



29.01.2016.

3. While referring to the letter dated 29.01.2016 (Annexure P-1), learned counsel for the petitioner–management submits that one month notice pay amount to Rs.9000/- in lieu of notice period and an amount of Rs.77,850/- in lieu of retrenchment compensation, as required under Section 25-F of the ID Act, has been credited in the account of the workman. Thus, stand taken by the management is that once the retrenchment compensation and one month salary, for the notice period, is paid to the workman, there is compliance of all the provisions of the I.D Act.

4. Learned counsel appearing on behalf of respondent No.2–workman, submits that before and after termination of services of the petitioner, the petitioner-company had hired the services of as many as nine chowkidars through the outsourcing agency-M/s Ajay Security and Placement Services, Rohtak. In support of this contention, he referred to the attendance register for the month of February, 2016, produced on record before the learned Tribunal. It is submitted that the petitioner-company had evidently terminated the services of its regular employees and hired the same services though outsourcing which amounts to unfair labour practice thereby violating the provisions of Section 25 H of the I.D. Act, since the respondent was not even given an opportunity of re-employment while hiring the services of chowkidars by way of outsourcing.

5. It is further highlighted that the petition filed by the petitioner-company against an identical order passed by the learned Tribunal in the case of a similarly situated employee has been dismissed on 22.02.2024 by the coordinate Bench of this Court in CWP-4860-2019.

6. Heard.



7. The operative part of the order passed by the coordinate Bench in the case of an identically situated workman reads thus:-

“xxxx

6. *This Court has examined the pleadings before it, along with the documents appended with the writ petition and also heard counsel from both the sides.*

7. *Section 25-H of the ID Act, says as under:-*

“25H. Re-employment of retrenched workmen. -- *Where any workmen are retrenched, and the employer proposes to take into his employ any persons, he shall, in such manner as may be prescribed, give an opportunity [to the retrenched workmen who are citizens of India to offer themselves for reemployment and such retrenched workman] who offer themselves for re-employment shall have preference over other persons.”*

8. *After going through the said legal provision, this Court does not find that any piece of evidence has been brought on record by the Management, to the effect that at any point of time, after the retrenchment of the workman, an offer of employment was made to him, to comply with Section 25-H of the ID Act, before getting services through some other persons or through some other agency.*

*In view of above, this Court does not find any substantial ground to deviate from the view point taken by the learned Tribunal. Hence, present writ petition sans merits, and is **dismissed** accordingly.”*

8. Learned counsel for the petitioner-company has not been able to distinguish the case of the respondent-workman from that of the facts in CWP-4860-2019.

9. Accordingly, relief granted to the workman is upheld in the same terms as in CWP-4860-2019, and the present writ petition is accordingly **dismissed**.

10. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

July 17, 2026

SwarnjitS

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No