

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

**Civil Writ Petition No.10451 of 2010**  
**Date of Decision: July 21, 2015**

**Gian Chand**

...Petitioner

Versus

**District Food and Supply Department, Kurukshetra & another**

...Respondents

**CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Ravinder Malik, Advocate,  
for the petitioner.

Mr.Hitesh Pandit, Addl.A.G.Haryana,  
for the State.

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**AMIT RAWAL, J. (Oral)**

The challenge in the present writ petition is to the award dated 7.8.2008 (Annexure P-1), whereby the reference sought by the petitioner qua his alleged termination has been rejected on the premise that the appointment of the petitioner was contractual and, therefore, the provisions of Section 2(oo)(bb) of the Industrial Disputes Act, 1947 (for short “the Act”) are attracted.

Mr.Ravinder Malik, learned counsel appearing for the petitioner submits that though the Labour Court has rendered a finding that the petitioner has completed 240 days from February, 2004 to January,

2005 and, therefore, his termination was bad in law and the respondents ought to have resorted to the provisions of Section 25-F of the Act and, thus, the petitioner is entitled to reinstatement with back wages.

Mr.Hitesh Pandit, learned Additional Advocate General, Haryana appearing on behalf of the State submits that even the finding of the Labour Court is not sustainable as it is contrary to the record. He has referred to the record of the Labour Court and on perusal of the same, it is found that the petitioner had not rendered 240 days in any relevant year and he was only appointed for 89 days.

There is no dispute to the aforementioned fact as this Court has seen the record and found that the petitioner has actually worked for 89 days and, thus, the appointment of the petitioner was purely contractual and, therefore, his services cannot be said to have been terminated without resorting to the provisions of 25-F of the Act. The award rendered by the Labour Court is prefect, legal and justified. There is no perversity and infirmity in the award.

Accordingly, the writ petition is dismissed.

Record of the Labour Court be sent back.

**July 21, 2015**  
**ramesh**

**( AMIT RAWAL )**  
**JUDGE**