

CWP No.10138 of 2011

[1]

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

**CWP No.10138 of 2011
Date of decision:03.07.2015**

Divisional Forest Officer, Railway Road, Karnal ...Petitioner
Versus
Smt. Omi Devi and another ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. D.K.Mittal, DAG, Haryana,
for the petitioner.

Mr. Rajiv Kanwar, Advocate,
for respondent no.1.

Rakesh Kumar Jain, J.

The petitioner has challenged the award dated 04.11.2010 passed by the Industrial Tribunal-cum-Labour Court, Panipat.

In brief, respondent no.1 served a demand notice on 25.06.2001 upon the petitioner in which it was alleged that she was appointed as Gardner on daily wage basis on 01.01.1993 and her services were orally terminated on 30.12.2000, without complying with the provisions of Section 25-F of the Industrial Dispute Act, 1947 (for short “the Act”).

The learned Tribunal came to a conclusion that the respondent no.1 had worked for more than 240 days, as the petitioner had failed to prove their case by producing service record of the petitioner, and ordered reinstatement with continuity of service with 50% back wages from the date

CWP No.10138 of 2011

[2]

of the demand notice.

Although learned counsel for the petitioner has vehemently argued that the respondent no.1 has not completed 240 days in the preceding 12 months to claim the benefit under Section 25-F of the Act, but he could not prove with the documentary evidence the period of service rendered by the respondent no.1. Thus, the learned Tribunal has rightly drawn an adverse inference against the petitioner in view of the following decisions:-

1. **Divisional Forest Officer (Social Forestry Project), Bhiwani, now the Divisional Forest Officer (Territorial), Bhiwani vs. Smt. Roshni Devi and another**, 2010(4) S.C.T. 271;
2. **State of Haryana vs. Presiding Officer and another**, 2007(1) RSJ 447 (D.B.); and
3. **State of Haryana vs. Suresh Kumar and another**, 2001(2) RSJ 286 (P&H H.C.) (D.B.).

In view thereof, I do not find any merit in the present writ petition and hence, the same is hereby dismissed.

July 03, 2015
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(Rakesh Kumar Jain)
Judge