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

**CWP No.131 of 2011
Date of decision:23.03.2015**

Sh. Dharampal	...	Petitioner
Versus		
State of Haryana and others	...	Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Ms. Garima Sharma, Advocate,
for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

Rakesh Kumar Jain, J.

The petitioner has challenged the order dated 06.03.2009 passed by the Industrial Tribunal-cum-Labour Court, Hisar (hereinafter referred to as the "Tribunal") by which he has been awarded ₹20,000/- as compensation.

In short, the petitioner was allegedly appointed as Beldar-cum-Mali in the year 1992 to work in the Nigana Nursery under Aravali Project. He is alleged to have worked from 05.03.1992 to 31.12.2001 but he was not allowed to resume his job from the first week of January, 2002.

The Tribunal had found that it is not proved on record that the petitioner had worked continuously for a period of 240 days preceding the date of alleged termination of his services and has observed that if he had

not completed 240 days, then he is not entitled for reinstatement with back wages except for the compensation. Accordingly, the compensation has been granted.

Aggrieved against the said order, the present writ petition has been filed in which reply has been filed on behalf of respondents no.1, 3 and 4 alleging that since the petitioner was not working against any sanctioned post, therefore, he cannot be reinstated. It is also averred that the petitioner was working on daily wages and had not completed 240 days, therefore, his removal would fall under Section 2(oo) (bb) of the Industrial Disputes Act, 1947.

I have heard learned counsel for the parties and after examining the record, I am of the considered opinion that there is no error in the order of the Tribunal because the petitioner has failed to prove the continuity of his service being a daily wager.

In view thereof, the present writ petition is hereby dismissed being denuded of any merit.

March 23, 2015
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(Rakesh Kumar Jain)
Judge