

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 10618 of 2012
Date of decision : May 20, 2015

Dilbagh Singh

..... Petitioner

Versus

Presiding Officer, Labour Court and another

..... Respondents

CWP No. 10623 of 2012

Sumer Singh

..... Petitioner

Versus

Presiding Officer, Labour Court and another

..... Respondents

CWP No. 10637 of 2012

Vinod Kumar

..... Petitioner

Versus

Presiding Officer, Labour Court and another

..... Respondents

CWP No. 11663 of 2014

Shri Rajesh

..... Petitioner

Versus

Presiding Officer, Labour Court and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Deepak Sonak, Advocate
for the petitioner.

Mr. Birender Singh Rana, Senior Advocate with
Mr. Ggandeep Rana, Advocate
for respndent No. 2 in CWP Nos. 10618,10623 and
10637 of 2012.

Mr. Deepak Balyan, Advocate
for respondent No.2 in CWP No. 11663 of 2014.

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?

Amit Rawal, J (oral).

This order of mine shall dispose of the aforementioned four writ petitions as the issue involved in all the cases is same.

All the petitioners concededly were appointed as Security Guards, except in one case, as Helper with respondent No.2-Sugar Mill and all of them stated to have rendered 5 years of service in every season. There is no dispute with the proposition of law, with regard, to the retrenchment in defiance to the provisions of Section 25-F of the Industrial Disputes Act, 1947(hereinafter called as 'the Act').

Learned counsel for the petitioner submits that it has been consistently held by the Hon'ble Supreme Court in various judgments that seasonal workers cannot be permitted to allege that services have been terminated in blatant violation of provisions of Section 25-F of the Act as it would not amount to retrenchment and the only direction which has been given in all the judgments, is to maintain a register for all the employees so that as and when the exigency of work arise, the previous employees can be requested/called for work.

In order to lend support to the aforementioned, learned counsel for the petitioner has relied upon the judgment of Hon'ble Supreme Court in **Morinda Co-op. Sugar Mill Ltd. Vs. Ram Kishan (1996) AIR SC 332.**

In view of what has been observed above, no illegality, much less perversity is found in the award passed by the Labour Court whereby the reference raised by the petitioners has been rejected.

All the aforementioned writ petitions are disposed of with a direction to the respondents to maintain a register of all the erstwhile workmen so that they can be engaged as and when the new season starts. The Management shall make a publication in the area in which the respondents normally live and if they would report for duty the Management would engage them in accordance with seniority.

Accordingly, the award of the Labour Court is upheld and the writ petitions stand disposed of.

(AMIT RAWAL)
JUDGE

May 20 , 2015
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