

CWP No.13151 of 2012

[1]

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

**CWP No.13151 of 2012
Date of decision:20.07.2015**

State of Haryana

...Petitioner

Versus

Subhash and another

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

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

Mr. Gorakh Nath, Advocate,
for respondent no.1.

Rakesh Kumar Jain, J.

The petitioner has challenged the award dated 09.12.2011 passed by the Industrial Tribunal-cum-Labour Court, Rohtak, holding respondent no.1 entitled to reinstatement with continuity of service and 50% back wages from the date of the demand notice i.e. 12.07.2004.

In short, respondent no.1 raised a demand notice dated 12.07.2004, alleging that he was appointed as Beldar on daily wages on 01.06.1991 and his services were suddenly terminated on 01.12.2002, without complying with the mandatory provisions of the Industrial Disputes Act, 1947.

The Labour Court, after appreciating the evidence, recorded a

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firm finding of fact that respondent no.1 had worked for more than 240 days in the preceding calendar year and despite the fact that respondent no.1 had summoned the record of his employment for the period from 01.06.1991 to 01.12.2002, the petitioner, who is custodian of the said record, did not produce the same on the ground that the same was not traceable.

Even during the course of hearing, no substantial argument was raised by counsel for the petitioner to persuade this Court to take view contrary to the view taken by the Labour Court.

Consequently, I do not find any merit in the present writ petition and hence, the same is hereby dismissed, though without any order as to costs.

July 20, 2015
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(Rakesh Kumar Jain)
Judge