

CWP No.12081 of 2013

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

**CWP No.12081 of 2013
Date of decision:20.07.2015**

Divisional Forest Officer, Railway Road, Karnal ...Petitioner
Versus
Sh. Naval Singh and another ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

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

Mr. Dharamveer, Advocate,
for respondent no.1.

Rakesh Kumar Jain, J.

The petitioner has challenged the award dated 15.11.2012 passed by the Industrial Tribunal-cum-Labour Court, Panipat, holding respondent no.1 entitled to reinstatement with continuity of service and 50% back wages from the date of the demand notice.

In short, respondent no.1 raised an industrial dispute by serving a demand notice dated 22.09.2000, in which it was alleged that he was appointed on daily wages on 18.09.1993 and his services were terminated on 10.08.2000, without complying with the provisions of Section 25-B, 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (hereinafter referred to as the “Act”). Initially, the Labour Court decided the reference

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against respondent no.1 on 30.08.2010 on the ground that he had failed to lead any cogent evidence to prove completion of 240 days. However, respondent no.1 filed CWP No.1238 of 2011 against the award dated 30.08.2010. The said award was set aside and the case was remanded back to the Labour Court for deciding it again by taking into consideration the application moved by respondent no.1 for summoning the record of the petitioner and also after considering other relevant material.

After remand, both the parties led their oral as well as documentary evidence and the Labour Court recorded a firm finding of fact that respondent no.1 had worked for more than 240 days and his services were terminated in violation of Section 25-F of the Act.

Although the petitioner has challenged the said award dated 15.11.2012 in this writ petition, but at the time 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