

**CWP No.19170 of 2012**  
**Date of decision: 07.07.2015**

Industrial Tribunal Bathinda and others ... Respondents

Ms. Geeta Sharma, Advocate  
for respondents No.2 to 5.

Ms. Geeta Sharma, learned counsel appearing on behalf of respondents No.2 to 5 submits that the Labour Court has rendered

the finding on the basis of the entire evidence produced by the Management to show that the workman has not completed 240 days in the calendar year, rather he has completed 130 days only and therefore, the petitioner-workman does not fall within the realm of Section 25-B of the Industrial Disputes Act, 1947.

I have heard learned counsel for the parties and appraised the paper book.

The contention of learned counsel appearing on behalf of the petitioner that Management had withheld the material/documents, is not sustainable as no question had been put to the witness of the Management nor there was any averment/or any application regarding the record produced by the Management, therefore, the Labour Court has rightly drawn the adverse inference on its own against the petitioner. As per the record produced by the Management before the Labour Court, the petitioner is stated to have completed 130 days in a calendar year and the petitioner has failed to rebut the aforementioned fact by leading direct and cogent evidence, thus, finding rendered by the Labour Court is just, fair and legal.

Thus, there is no illegality or perversity in the finding rendered by the Labour Court and the writ petition stands dismissed.

**(AMIT RAWAL)**  
**JUDGE**

**July 07, 2015**  
savita