

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

CWP No.5729 of 2012

Date of Decision: 27.08.2015

Subhash Chander

... Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum
Labour Court, Rohtak & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sandeep Singal, Advocate,
for the petitioner.

Mr. JS Bedi, Addl.A.G., Haryana.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The Labour Court has returned a finding of fact based on evidence adduced by the parties that the period of 240 days had not been completed. 240 days of continuous service within the meaning of Section 25B of the Industrial Disputes Act, 1947 (for short 'the Act') entitles a workman to protection of Section 25F of the Act. To that extent the award passed by the Labour Court, Rohtak is affirmed. Learned counsel for the petitioner submits that even assuming 240 days has not been completed even then the petitioner has a right to demonstrate that Section 25G of the Act has been violated, which right does not depend on the principle of 240 days and is an exception. However, the Labour Court has not agreed with the view expressed by learned counsel for the workman since a finding of fact has been recorded on this aspect as well holding that the petitioner had abandoned his service on the 233rd day and remained absent thereafter. The only other argument which could bring

him back within Section 25G is that if he had proven that the management acted by way of victimization or there was unfair labour practice on the part of the management, which remains unsubstantiated by evidence or direct inference gathered from circumstances. This is also not the case accepted by the Labour Court. Therefore, neither the petitioner has a case under Section 25-F of the Act nor under Section 25G. Accordingly, the petition stands dismissed.

27.08.2015
monika

(RAJIV NARAIN RAINA)
JUDGE