

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1282 of 2014

Date of Decision: 27.02.2015

District Transport Officer, Panipat

.....Appellant

versus

Rajesh and another

....Respondents

**CORAM:- HON'BLE MR. S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MRS. JUSTICE RAJ RAHUL GARG**

Present: Mr. Amar Vivek, Addl.AG Haryana for the appellants.
Mr. R.K.Malik, Sr.Advocate with Mr. Vijay Dahiya, Advocate for
respondent No.1.
Mr. Aashish Chopra, Advocate.

S.J. VAZIFDAR, ACTING CHIEF JUSTICE: (Oral)

This is an appeal against the order of the learned Single Judge dismissing the appellant's petition challenging the order of the Labour Court granting the respondent reinstatement with 50% back wages. The Labour Court and the learned Single Judge have dealt with the matter in considerable detail both on facts and on law.

After analysing the record, the learned Judge has come to the conclusion that the respondent infact worked for more than 240 days and that therefore, his termination is being contrary to the provisions of Section 25 F of Industrial Disputes Act entitles him to the relief sought. While analysing the facts the learned Judge and the Labour Court took the relevant material into consideration. For instance it is found that though the respondent was appointed on part time – 89 days basis he was given only 2-3 days' break during the period of his employment i.e from August 20, 2002 till December 13, 2004. His employment was not on account of any retrenchment and he was also given regular pay scale of 2550-55-2660-EB-3200 and usual allowances.

Considering these facts and all other facts, the learned Judge came to the aforesaid conclusion.

In the above circumstances, we find no merit in the present appeal and the same is hereby dismissed.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

27.02.2015

Meenu

(RAJ RAHUL GARG)
JUDGE