

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Letters Patent Appeal No.15 of 2015 (O&M)
DATE OF DECISION: 07.01.2015

The Chief Conservator Officer, Forest Department, Haryana and
others

....Appellants

versus

Presiding Officer, Labour Court, Ambala and another

.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Palika Monga, Deputy Advocate General, Haryana
for the appellants

..

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

The finding of the Labour Court as confirmed by the learned single Judge on the question of fact, namely, whether the respondent-workman worked for 240 days during the relevant period, needs no interference. This is a finding of fact based on the material which was produced before the Labour Court. For instance, it has been established that the respondent worked for more than 20 days in each of the months from April, 2009 to January, 2010. The chart relied on by the appellants itself indicated that the respondent had worked for 178 days and for 149 days.

2. It is next contended that the respondent is not entitled to back-wages as he has not averred and established that he was not gainfully employed during the relevant period. This

contention was, however, not raised either before the Labour Court or before the learned Judge. We, therefore, do not permit the appellants to do so in the appeal for the first time after almost four years.

3. The appeal is accordingly dismissed.

4. As we have dismissed the appeal on merits, it is not necessary to consider the application for condonation of delay of 250 days.

**(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE**

07.01.2015
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**(AUGUSTINE GEORGE MASIH)
JUDGE**