

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-1550-2015 (O&M)

Date of decision: October 21, 2015.

The Division Forest Officer (T), Forest Division, Rohtak

... **Appellant**

v.

Prem Pal Singh and another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE HEMANT GUPTA**
HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Ms. Palika Monga, Deputy Advocate General, Haryana.

Hemant Gupta, J. (oral)

The present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by a learned Single Bench of this Court on 10.3.2015 whereby the writ petition filed by the appellant against the Award of the Labour Court dated 7.7.2014 remained unsuccessful.

The respondent-workman raised an industrial dispute by asserting that he worked as Beldar-cum-Mali continuously from January 1990 to 28th February, 2005 but his services have been terminated without complying with the provisions of Section 25-F of the Industrial Disputes Act, 1947 (for short "the Act"). The learned Labour Court answered the reference in favour of the workman holding that the workman has worked for a period of 240 days preceding 12 months prior to March 2005 and there is violation of provisions of Section 25-F of the Act. Consequently, the learned Labour Court passed an order of reinstatement of the workman with continuity of service and 50% back wages from the demand notice.

The appellant has not led any evidence in defence to support its plea that the workman has not worked continuously for 240 days preceding 12 months of termination of his services or the provisions of Section 25-F of the Act have been complied with. In the absence of any evidence, the finding recorded by the learned labour court and affirmed by the learned Single Bench, that the stand of the appellant is falsified, cannot be said to be unjust or unwarranted.

Consequently, we do not find any merit in the appeal. The same is accordingly dismissed.

[Hemant Gupta]
Judge

[Raj Rahul Garg]
Judge

October 21, 2015.
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