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

CWP No.13386 of 1993

Date of decision: February 03, 2016

Principal Chief Conservator of Forests,
Haryana and others

.....Petitioners

Versus

Presiding Officer and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Gagandeep Singh Wasu, Addl. AG Haryana.

Mr. Sandeep Goyat, Advocate
for respondent No.2.

SABINA, J

Petitioners have filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of certiorari for quashing the award dated 21.04.1993 (Annexure P-1).

Respondent No.2 had raised an Industrial dispute by serving a demand notice challenging his termination. The appropriate Government referred the said dispute for adjudication to the Industrial Tribunal-cum-Labour Court, Hisar.

The case of respondent No.2, in brief, was that he was appointed as Beldar by the Management on 20.1.1988. However, services of respondent No.2 were terminated on 31.01.1989 in contravention to the mandatory provisions of

the Industrial Disputes Act, 1947 ('Act' for short).

Petitioners in their written statement averred that respondent No.2 was engaged as a casual labourer. Hence, the claim put-forth by respondent No.2 was liable to be rejected.

On the pleadings of the parties, following issues were framed by the Industrial Tribunal-cum-Labour Court:-

- "1. As per terms of reference.
2. Whether the claim petition is full of mis-statements? If so to what effect?
2. Relief."

Parties led their evidence in support of their respective pleas.

The Industrial Tribunal-cum-Labour Court vide its award dated 21.04.1993 held that the termination of services of respondent No.2 was illegal and ordered that respondent No.2 be reinstated in service with continuity of service. The benefit of back-wages from 01.02.1989 to 13.03.1990 was declined to respondent No.2. Hence, the present petition by the petitioners.

I have heard learned State counsel and counsel for respondent No.2, and have gone through the record available on the file carefully.

In the present case, as per Exhibit M1, respondent No.2 was working with the petitioners on daily wage basis and had actually worked with them for 267 days from

February 1988 to January 1989. Thus, respondent No.2 had put in more than 240 days of service during preceding 12 months from the date of his termination. However, respondent No.2 was not paid any compensation in terms of Section 25F of the Act. In these circumstances, the learned Industrial Tribunal-cum-Labour Court rightly came to the conclusion that the services of respondent No.2 had been illegally terminated. Consequently, respondent No.2 was ordered to be reinstated in service with continuity of service and other consequential benefits. During the course of arguments, it has transpired that in terms of the impugned award, respondent No.2 was permitted to join duties.

In view of the above factual background, no ground for interference by this Court while exercising jurisdiction under Article 226 of the Constitution of India, is made out.

Dismissed.

**(SABINA)
JUDGE**

February 03, 2016
mahavir