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

CWP No.12587 of 1995

Date of decision: February 17, 2016

Badri

.....Petitioner

Versus

Presiding Officer and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Parveen K. Kataria, Advocate
for the petitioner.

Ms. Deepali Puri, Advocate
for respondent No.2.

SABINA, J

Petitioner has filed this petition challenging the award dated 09.01.1995 (Annexure P-4).

Petitioner had raised an Industrial dispute by serving a demand notice challenging his termination. The dispute raised by the petitioner was referred for adjudication by the appropriate Government to the Labour Court, Chandigarh.

I have heard learned counsel for the parties and have gone through the record available on the file carefully.

The case of the petitioner, in brief, was that he was appointed with the respondent-Management on 01.01.1989 and had worked upto 18.12.1990 without any break. Thereafter, petitioner was engaged on 06.01.1991

and worked upto 30.04.1991 and then from August 1991 to September 1991. Services of the petitioner had been terminated without complying with the mandatory provisions of Industrial Disputes Act, 1947 ('Act' for short).

Respondent-Management in its written statement averred that the petitioner was engaged as per requirement and his services came to an end automatically when the particular job for which he was engaged had been completed.

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

- "1. Whether the services of workers were terminated illegally by the respondent management, if so, what effect and to what relief they are entitled to, if any?

Parties led their evidence in support of their respective pleas.

The learned Labour Court vide its award dated 09.01.1995 after considering Annexure P-2 held that the petitioner had not completed 240 days of service in the year preceding the date of his termination. A perusal of the award further reveals that Annexure P-2 was infact, produced by MW1 Jagdish Chand, but it appears that it might have been inadvertently marked as Exhibit W1. A perusal of Annexure P-2 reveals that the finding of fact recorded by the Labour Court to the effect that the

petitioner had not completed 240 days in a year preceding the date of his termination, i.e. 30.09.1991, is correct. Since the petitioner had not completed 240 days of service in the year preceding the date of his termination, the compliance of Section 25F of the Act was not necessary. MW1 Jagdish Chand had stated that no seniority-list of the workers was prepared and no fresh appointments had been made. There is nothing available on record to establish that junior to the petitioner had been retained in service at the time of termination of his services. In the facts and circumstances of the present case, the learned Labour Court had thus, rightly declined the reference sought by the petitioner.

No interference by this Court while exercising jurisdiction under Article 226 of the Constitution of India is made out.

Dismissed.

**(SABINA)
JUDGE**

February 17, 2016
mahavir