

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

1. CWP No. 16477 of 1995

M/s Brecko Precision Engineering (P) Ltd.

...Petitioner

Vs.

**Presiding Officer, Industrial Tribunal-
cum-Labour, Gurgaon & Another**

...Respondents

2. CWP No. 4672 of 1996

Uma Shankar Singh

...Petitioner

Vs.

**Presiding Officer, Industrial Tribunal-
cum-Labour, Gurgaon & Another**

...Respondents

Date of decision: 11.08.2016

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

**Present : Mr. Rajiv Sharma, Advocate
for the petitioner-Management.**

None for the respondent-Workman.

P.B. BAJANTHRI, J. (Oral)

Above mentioned two writ petitions are heard together.

Workman-Uma Shankar Singh was appointed to the post of Machine Operator, Grinder Section on 12.01.1987. His services were retrenched on 15.03.1989 after due compliance to Section 25 F of the Industrial Disputes Act, 1947 (*for short 'the Act'*). Retrenchment of the workman-Uma Shankar Singh was subject matter before the Labour Court, Gurgaon. On 03.08.1994, Labour Court held that order of termination-retrenchment of Workman-Uma Shankar Singh is illegal and he is entitled to reinstatement with continuity of service and other back-wages. The award

dated 03.08.1994 is challenged in these two petitions, both by Management and Workman-Uma Shankar Singh. Petition of Workman-Uma Shankar Singh is not maintainable for the reasons that Labour Court's award dated 03.08.1994 is in his favour.

The Management-petitioner has questioned the award dated 03.08.1994. Learned counsel for the Management vehemently contended that before retrenchment of Uma Shankar Singh due compliance to Section 25 F of the Act has been adhered, therefore, the Labour Court erred in holding that termination-retrenchment order is illegal and further direction that Uma Shankar Singh is entitled to reinstatement with continuity of service and other back-wages is arbitrary and illegal.

The Labour Court passed the retrenchment order with reference to the principles of “last come first go”. Admittedly, Uma Shankar Singh was appointed on 12.01.1987 whereas one N. S. Bhandari was appointed on 15.12.1988. Having regard to the date of entry into service of Uma Shankar Singh and N. S. Bhandari is taken into consideration, retaining N. S. Bhandari and retrenching Uma Shankar Singh is contrary to the principles of “last come first go”. Therefore, there is no infirmity in the award dated 03.08.1994 passed by the Labour Court.

In view of the above facts and circumstances, CWP No. 16477 of 1995, filed by the Management, is dismissed.

August 11, 2016
Ansari

(P.B. BAJANTHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No