

In the High Court of Punjab and Haryana at Chandigarh

Civil Writ Petition No. 11895 of 2014 (O&M)
Date of Decision: 01.4.2016.

State of Haryana and anotherPetitioners

Versus

Presiding Officer, Industrial Tribunal-cum-Respondents
Labour Court, Hisar and another

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rajiv Doon, AAG, Haryana.

Mr. Subhash Ahuja, Advocate
for respondent No. 2.

SABINA, J.

Petitioners have filed this petition under Article 226 of Constitution of India seeking a writ in the nature of certiorari for quashing the award dated 9.4.2013 (Annexure P-1).

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

Case of respondent No. 2, in brief, was that he had joined the services of the petitioner management on 6.9.2006 and his services were illegally terminated in July 2009.

Petitioners, in their written statement, averred that respondent No. 2 had not worked with them continuously from 6.9.2006 upto July 2009. Services of respondent No. 2 had been

terminated as the same were not found satisfactory. Respondent No. 2 had worked with the petitioners only upto 22.5.2009.

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

- “1. Whether the termination of services of the workman is legal or not? If not, to what relief he is entitled to ? OPA*
- 2. Relief.”*

Parties led their evidence in support of their respective pleas.

Industrial Tribunal-cum-Labour Court vide its award dated 9.4.2013 (Annexure P-1) held that respondent No. 2 was entitled for reinstatement with all consequential benefits except back-wages. Hence, the present petition by the petitioners-management.

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

In the present case, the learned Industrial Tribunal-cum-Labour Court after appreciating the evidence led by the parties on record held that respondent No. 2 had rendered more than 240 days of service in the last 12 months preceding the date of his termination i.e. 22.5.2009. There is nothing on record to suggest to the contrary. Since the services of respondent No. 2 were terminated without complying with the mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947, the learned Industrial Tribunal-cum-Labour Court rightly held that respondent No. 2 was liable to be reinstated in service.

During the course of arguments, it has transpired that respondent No. 2 was allowed to join his duty on 9.7.2013 in pursuance to the impugned award.

In the facts and circumstances of the present case, no ground for interference by this Court while exercising jurisdiction under Article 226 of the Constitution of India is made out.

Dismissed.

**(SABINA)
JUDGE**

April 01, 2016
Gurpreet