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

CWP No.1625 of 2016

Date of decision: April 04, 2016

The Divisional Forest Officer

.....Petitioner

Versus

Jagbir Singh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.K. Makkad, DAG Haryana.

SABINA, J

Petitioner has filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of Certiorari for quashing the award dated 06.07.2015 (Annexure P-5).

Respondent No.1 had raised an Industrial dispute challenging his termination by serving a demand notice. The said dispute raised by respondent No.1 was referred for adjudication to the Industrial Tribunal-cum-Labour Court, Rohtak by the appropriate Government.

The case of respondent No.1, in brief, was that he had worked with the petitioner-Management as Beldar-cum-Mali from July 2005 upto 30.06.2009. Services of respondent No.1 had been terminated without complying with the mandatory provisions of Industrial Disputes Act, 1947 ('Act' for short).

The case of the petitioner-Management, on the other hand, was that respondent No.1 had been engaged on temporary basis and the services of respondent No.1 had come to an end on completion of work. It was pleaded by the petitioner-Management that respondent No.1 had worked as per following details:-

Month	No. of Days
03/2008	26
04/2008	26
05/2008	26
06/2008	25
07/2008	26
08/2009	26
09/2008	26
10/2008	26
11/2008	25
12/2008	27

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 justified and, if not? To what relief he is entitled to? OPW
2. Relief."

Parties led their evidence in support of their respective pleas.

The Industrial Tribunal-cum-Labour Court vide award dated 06.07.2015 answered the reference in favour of respondent No.1. Hence, the present petition by the petitioner-Management.

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

The case of the petitioner-Management was that respondent No.1 had worked with them upto December 2008, whereas, the case of respondent No.1 was that his services had been illegally terminated on 01.07.2009. Thus, as per the case of the petitioner-Management, respondent No.1 had worked upto December 2008. The learned Industrial Tribunal-cum-Labour Court after appreciating the evidence lead by the parties on record has given a finding of fact that preceding the year December 2008, respondent No.1 had worked for 259 days. However, the services of respondent No.1 had been terminated without complying with the mandatory provisions of Section 25F of the Act. In these circumstance, since the services of respondent No.1 had been terminated without complying with the mandatory provisions of Section 25F of the Act, the learned Industrial Tribunal-cum-Labour Court rightly held that respondent No.1 was entitled for reinstatement in service.

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 04, 2016
mahavir