

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

CWP-7847-2016

Date of Decision: 31.05.2016

Tej Pal

....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Dr. Surya Parkash, Advocate
for the petitioner.

Mr. Siddharth Sanwara, DAG, Haryana.

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, petitioner has assailed the award dated 23.11.2015. The petitioner applied for the post of Assistant Fitter/Black Smith pursuant to the advertisement issued by respondent No.3. Petitioner was selected and appointed on daily wage basis on 03.06.1994. His services were terminated on 03.03.1995. Thereafter, having regard to his financial and family condition, he approached the respondent once again seeking for appointment. He was once again appointed on 05.06.1995 and there was a break in service in the year 1995 and further fresh appointment was given for the period from 05.06.1995 to 30.06.1999. Labour Court passed an award against the petitioner-workman holding that the petitioner did not satisfy the mandatory period of 240 days. Labour Court recorded that the petitioner-workman worked on daily wage basis from 08.06.1994 to 03.03.1995 and thereafter on number of occasions, he was provided employment with the break in service. Labour Court taken into consideration the fact relating to break in service and it was held that petitioner-workman has not completed 240 days.

Learned counsel for the petitioner-workman submitted that petitioner-workman worked on daily wage basis from 08.06.1994 to 03.03.1995, thereafter, he has worked for two spells in the year 1995 in the month of June and again in the year 1999 in the month of June. For the purpose of deciding whether the petitioner-workman has worked for 240 days or not? He was appointed on 08.06.1994 and has worked 23 days in the month of June 1994, 31 days in the month of July 1994, 31 days in the month of August 1994, 30 days in the month of September 1994, 31 days in the month of October 1994, 30 days in the month of November 1994, 31 days in the month of January 1995, 28 days in the month of February 1995 and 03 days in the month of March 1995. These days are counted, it would be 246 days, thus the Labour Court erred in holding that the petitioner-workman has not discharged 240 days during the period from 08.06.1994 to 03.03.1995. It is only a mathematical error committed by the Labour Court.

In view of the fact that the petitioner has worked for more than 240 days (246 days) and the petitioner worked with the respondent for two spells in the year 1995 and 1999, award of the Labour Court is set aside.

Taking into consideration the facts and circumstances, the petitioner is entitled to compensation of Rs.50,000/- only. The respondents are directed to pay the compensation of Rs.50,000/- within the period of four months from today.

Civil Writ petition stands disposed of, accordingly.

(P.B. BAJANTHRI)
JUDGE

May 31, 2016
ps-I