

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

CWP No. 11953 of 2000
Date of Decision: 24.4.2017

Suraj Bhan

... Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court & Another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Hari Om Sharma, Advocate for the petitioner

None for the respondents

RAJIV NARAIN RAINA, J. (Oral)

1. A positive finding has been returned by the Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat in paragraph 8 of its award dated 1st October, 1999 that the workman had put in only eight days of service in January, 1996 and not for a single day during the year 1995 while the alleged termination took place on 31st January, 1996, and therefore, the requirements under Sections 25-H and 25-F of the Industrial Disputes Act, 1947 (for short “the Act”) were not satisfied. The learned Tribunal came to the conclusion that the workman had not continuously worked for 240 days during preceding calendar year, and therefore, his retrenchment cannot be said to be illegal and void and the petitioner is not entitled to the protection of Section 25-F of the Act. In view of this finding, the award suffers from no legal infirmity.

2. As far as Mr. Sharma’s argument based on Section 25-H of the Act is concerned, even that is taken care of by the learned Tribunal when it records in paragraph 8 itself that no relief under Section 25-H of

which forecloses the case of the petitioner built on Section 25-H of the Act.

3. Mr. Sharma, learned counsel for the petitioner relies on Ramasamuz Narsing Upadhyaya vs. Vinubhai M. Mitra, 1982 II L.L.J. 186 ruling to the effect that long period of service should count towards completion of 240 days in any of the preceding years. It is an argument in desperation and a misreading of the judgment. The Bombay High Court dealt with the right to deduction of compensation from the amount payable under retrenchment compensation and whether it is permissible. The Court considered Section 25-B of the Act in the light of the facts and circumstances in that case. This ruling is of no help to the petitioner.

4. In view of the above, I find no ground warranting interference is made out. The writ petition is devoid of merit and is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

24.4.2017
MFK

Whether speaking/reasoned

Yes

Whether Reportable

No