

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

**CWP No.4398 of 1999 (O&M)
Date of decision: 30.03.2017**

Mudrika Yadav

.... Petitioner

Vs.

Presiding Officer, Labour Court, Patiala & anr.

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.S.Sharma, Advocate
for the petitioner.

None for the respondent.

RAJIV NARAIN RAINA, J. (ORAL)

The total period of service involved in this case rendered by the workman is only five month. Is that enough labour to bring relief after 18 years?

The workman did not lead any evidence of actual date of arrival and departure with effect from 24.01.1992 till 18.09.1993. He was appointed on probation by letter dated 01.12.1992 Ex. M-2 and was discharged during probation within five months.

The award was passed on 09.06.1998 holding that the reference itself is bad in law due to assignment of wrong date of termination. Labour Court held that the termination was not legally bad and it was effected during probation and there was no requirement of compliance of last come first go rule in Section 25-G of the Industrial Disputes Act, 1947. There is still hardly any scope left to consider the case on the anvil of breach of compliance of Section 25-G of the Act in view of the miniscule period of

service rendered, which is only for a few days of work and far too brief to bring any relief to the workman when he did not satisfy the test of completing 240 days of service prior to the order of termination. Stand alone protection of Section 25 F of the Act is of no help for want of basic ingredients in the labour law.

Therefore, I find nothing wrong in the award to maintain the reference itself and dismiss the petition for lack of industrial rights maturing.

(RAJIV NARAIN RAINA)
JUDGE

30.03.2017

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1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No