

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

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CWP-5779-2013 (O&M)

Date of decision:13.09.2017

Engineer In Chief, Irrigation Department Haryana, Panchkula and another

....Petitioners

Versus

Rafuque and another

.... Respondents

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

Present: Mr.Rajesh Gaur, Addl. A.G. Haryana.

Mr. Sandeep Thakan, Advocate for respondent No.1.

P.B. BAJANTHRI, J. (ORAL)

In the present writ petition, petitioners have challenged the validity of the award dated 08.12.2011 (Annexure P-5). Respondent-workman is stated to have appointed on 24.05.2000 on contract basis for a period of 89 days. Thereafter, with certain break he was once again appointed on contract basis from 29.06.2000 to 15.09.2000 and once again from 05.10.2000 to 31.12.2000. Respondent-workman has not produced any material to show that he has worked for more than 240 days. On the other hand, labour court drawn inference that respondent-workman has worked. The petitioners' contention is that the respondent-workman has not worked for more than 240 days so as to attract Section 25F of the Industrial Disputes Act, 1947. Thus the labour court has erred in granting relief to the respondent-workman to the extent of reinstatement along with continuity of service and 50% back wages from the date of demand notice i.e. 02.07.2001. Perusal of the records, it is evident that no material has been placed on record by the respondent-workman so as to contend that there is violation of Section 25F of the Industrial Disputes Act, 1947. Accordingly, labour court has erred in passing the award in favour of the respondent-workman. Therefore, award dated 08.12.2011 (Annexure P5) is set aside.

CWP stands allowed.

**(P.B.BAJANTHRI)
JUDGE**

13.09.2017

pooja saini

Whether speaking/reasons:

Yes/No

Whether Reportable:

Yes/No