

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

**CWP No.9379 of 2017
Date of decision: 04.05.2017**

District Food and Supply Controller, Sonipat

.... Petitioner

VS.

Mukesh Kumar & anr.

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.T.Redhu, DAG, Haryana.

Rajiv Narain Raina, J.(Oral)

The entry into service of the respondent-workman was not illegal or irregular but through the sponsorship queue in the Employment Exchange by appointment on contract basis for six months, extendable from time to time. The respondent-workman in such capacity served the management from 12.09.2012 to 08.04.2015. He was abruptly removed from service without following the due procedure of Section 25F of the Industrial Disputes Act, 1947. The other jurisdictional of facts necessary for industrial relief were satisfied on the facts by evidence before the Labour Court at the trial on the reference of the dispute under Section 2A of the ID Act.

The Labour Court was within its jurisdiction and discretion exercised on evidence produced by the parties to declare the termination illegal and arbitrary and correctly held the respondent workman entitled to reinstatement with continuity of service and 50% backwages from the date

of demand notice i.e. 12.08.2015. The Labour Court has applied the law laid down by the Supreme Court in **Anoop Sharma vs. Executive Engineer, Public Health Division No.1, Panipat, 2010(3) SCT 318** and other case law noticed in para. 12 of the award. There is also a clear admission in the testimony of the solitary witness produced by the management, namely, Raj Kapoor Duggal that the workman had worked for the period claimed and has completed 240 days in every calendar year. He further admitted that the service of the respondent-workman was terminated on 08.04.2015 as per directions of the Chief Secretary, Government of Haryana.

The Chief Secretary, Haryana could certainly have dismissed the workman if he wanted, but if he actually did without advising adherence of procedural safeguards in the ID Act, he cannot be pleasantly seen to disobey the law. If the Chief Secretary himself disobeyed the law and exercised his veto powers, then I can only say that I am at a loss for words.

Be that as it may, there is found no illegality or perversity in the award passed by the Tribunal which only upholds the law.

Accordingly, the present petition is dismissed.

04.05.2017

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**(RAJIV NARAIN RAINA)
JUDGE**

*1. Whether speaking/non-speaking?
2. Whether reportable?*

*Yes
No*