

CWP No.986 of 2017

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

Date of decision: 07.02.2017

CWP No.986 of 2017

Sarla Devi

...Petitioner

Vs.

The Presiding Officer, Industrial Tribunal
-cum- Labour Court, Faridabad & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Bharat Bhushan Sharma, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

The petitioner was one of many temporary Safai Karamcharis appointed by the Municipal Corporation, Faridabad in early 1997 as a stop gap arrangement when regular Safai Karamcharis were dismissed from service for resorting to an illegal strike which had paralyzed essential services in the State.

The petitioner was among those appointed in the minimum pay scale on probation of two years as Safari Karamchari vide appointment letter dated 18.01.1997 (Annex P-1) to carry out cleaning work. Pursuant to the amicable settlement arrived at between the Corporation and the leaders of the striking employees, whose services had been dispensed with, they were restored to regular service. As a result of this arrangement, the petitioner's services were terminated on 11.01.2001 after following the procedure prescribed under Section 25-F of the Industrial Disputes Act, 1947 by paying him retrenchment compensation and wages in lieu of notice period. Therefore, the termination was brought about in accordance with law. The Labour Court, Faridabad by its Award dated 20.10.2015 (Annex P-5) has

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held that the reference is not maintainable. There was sufficient proof on record that the claimant work-person had been retrenched and paid due compensation at the time of retrenchment. Hence, it cannot be said that her services have been terminated illegally. Thus, I do not find any legal infirmity in the Award declining the reference and would dismiss the petition.

07.02.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*