

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

LPA No.1552 of 2015 (O&M)

Date of Decision : 09th August, 2017

Kanwar Bhan

..... Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Chandigarh
and another

..... Respondents

**CORAM : HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr. Naveen Daryal, Advocate
for the appellant.

Mr. I.P.S.Doabia, Advocate
for respondent No.2.

MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment dated 08.07.2014,
passed by the learned Single Judge.

The appellant-workman was engaged as a temporary bank guard on 10.05.2002 for three months. It is conceded that no further engagement was offered by the respondent-management. He raised a demand considering that he had worked for more than three months and his services were terminated without following the procedure under the Industrial Disputes Act, 1947 (in short 'the Act'). Violation of Sections 25-F, 25-G, 25-H and 25-N of the Act was alleged.

The respondent-Management took up the plea that the appellant was engaged as a stop gap arrangement against leave vacancy. It

was specifically denied that the appellant is a workman within the meaning of Industrial Disputes Act as he has not completed 240 days in the year preceding his termination if any.

After hearing the learned counsel for the parties, we are of the opinion that there is no infirmity in the findings recorded by the learned Single Judge. The appellant had merely worked for 92 days as claimed by him as against 88 days as claimed by the respondent-Management. The arrangement was dispensed with in terms of the appointment letter itself with no further perpetuation of the employment which would not enable the appellant to the protection of the Act as he clearly does not come within the ambit of Workman and the benefit of Section 25-F of the Act as also the provision of the Act as such 25-G, 25-H and 25-N would also be unavailed as a protection.

Thus, no ground to interfere with the impugned judgment is made out. Accordingly, the instant appeal stands dismissed.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

09th August, 2017
mamta-M

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No