

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

**LPA No.856 of 2017(O&M)
Date of decision: 02.07.2018**

State of Haryana and another

... Appellants

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat and
another

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Deepak Balyan, Addl. AG, Haryana,
for the appellants.

ARUN PALLI, J.

This is an intra-court appeal under Clause X of the Letters Patent against the order and judgment dated 31.03.2016, rendered by the learned Single Judge, vide which the writ petition preferred by the appellants against the award dated 27.01.2010, passed by the Labour Court, had since been dismissed.

The respondent-workman was employed by the appellants as Class-IV employee on 04.08.1998. However, his services were abruptly brought to an end on 01.03.2000. Upon an industrial dispute being raised, the Labour Court, vide its award dated 27.01.2010, held his termination to be illegal and ordered his reinstatement with continuity of service with 25% back wages from the date of demand notice i.e. 04.08.2005.

On a consideration of the matter, the learned Single Judge reached a conclusion that the only defence set out by the appellants; was that respondent-workman was a part time employee, who was engaged as a stop gap arrangement. Sanction for part time employees was given on year to year basis by the department and as the period for which the workman was engaged lapsed on 29.02.2000, in the absence of any further sanction, his services were terminated. However, no evidence was led by the appellants to prove that it was for lack of necessary sanction accorded by the department services of the respondent-workman stood terminated. It was not disputed either at any stage that the respondent-workman had not completed 240 days of service in the 12 calendar months immediately preceding the date of termination. Thus, in the absence of any compliance of the provisions of Section 25F of the Industrial Disputes Act, 1947, termination of the respondent-workman was illegal. The plea set out by the appellants that respondent-workman was not required to be paid any retrenchment compensation, for, he was merely a part time employee was also rejected by the Labour Court in reference to the decisions of the Supreme Court in Div. Manager, New India Assurance Co. Ltd. v. A. Sankaralingam, 2008 LLR 1214; Haryana Bijli Vitran Nigam Ltd. Bahadurgarh District Jhajjar v. The Industrial Tribunal-cum-Labour Court, Rohtak & another, 2009(2) SCT 342; Anoop Sharma v. Executive Engineer, Public Health, Division No.1, Panipat, 2010(3) SCT 318; and Haryana Agricultural University v. Presiding Officer, Industrial Tribunal-cum-Labour Court and another, 2011 LLR 1218.

On being pointedly asked, learned counsel for the appellants could not refer to anything on record to show if the conclusions recorded by

the Labour Court as also the learned Single Judge were either contrary to the record or suffered from any material illegality. The appeal being devoid of merit is accordingly dismissed.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

02.07.2018
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO