

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

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CWP No.9865 of 2016 (O&amp;M)

Date of Decision : 17.08.2019

Indo Soviet ISF Pharmacy, Ghall Kala, Tehsil and  
District Moga through its Proprietor/Partner.

....Petitioner

v/s

Manjit Kaur and another

....Respondents

**Coram : Hon'ble Mr. Justice B.S. Walia**

Present: Mr. Harkaran Singh, Advocate for  
Mr. Brijeshwar Singh Bhalla, Advocate  
for the petitioner.

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**B.S. Walia, J. (Oral)**

[1] Challenge in the writ petition is to award (Annexure P-1) dated 09.07.2015, passed by the Presiding Officer, Industrial Tribunal, Bathinda (hereinafter referred to as 'the Tribunal') vide which the reference was allowed in favour of the respondent-workman, by awarding her compensation of ₹20,000/- for each completed year of service.

[2] Learned counsel contends that the impugned award is unsustainable as the learned Tribunal failed to take into account that the respondent-workman had left the job on her own besides the management had issued her notice (Ex. M-4) under Section 25-F of the Industrial Disputes Act, 1947 ( hereinafter referred to as the Act). No other point has been argued.

[3] Brief facts of the case as per case set up by the respondent-workman before the learned Tribunal was that she had served the management

as Peon from 15.11.2007 to 30.01.2011 @ ₹2500/- per month but the management abruptly terminated her services w.e.f. 01.02.2011, without issuing any notice, charge sheet, enquiry or compensation despite her having served the management for more than 240 days in the 12 months preceding the date of termination. Management on the other hand, while admitting that the respondent-workman had been appointed as Peon took up the stand that she had worked with them from 15.11.2007 to 02.02.2011 @ ₹2500/- per month but her services were never terminated by the management rather she had herself abandoned the job on her own, besides she had not completed 240 days in the preceding 12 months.

[4] The learned Tribunal rejected the stand of the management with regard to the respondent-workman not having completed 240 days in view of the witness of the management (MW-1) admitting that the respondent-workman had worked with them from 15.11.2007 to 30.01.2011. Secondly that as far as notice (Ex. M-4) was concerned, the same was not a legal and valid notice, as the same dated 22.03.2011, whereas services of the respondent-workman were terminated on 31.01.2011.

[5] In the aforementioned background, the learned Tribunal held that it stood proved that the respondent-workman had served for a period of more than 240 days and that her services were terminated without serving any notice, charge sheet, enquiry or compensation. Thereafter, by taking into account that the respondent-workman had served for a period of 03 years 02 months, the learned Tribunal awarded relief of compensation of ₹20,000/- for each completed year of service, i.e. ₹60,000/-, payable within two months from the date of publication of award, failing which the respondent-workman would

be entitled to claim the same along with interest @ 6% per annum from the date of service of demand notice, till date of payment.

[6] I have considered the submission's of learned counsel. Learned counsel has not disputed that its witness MW-1, i.e. Praveen Kumar, admitted in his evidence that the respondent-workman had worked under the management uninterruptedly from 15.11.2007 to 31.01.2011 and further that notice (Ex. M-4) alleged to have been served on the respondent-workman under Section 25 F of the Act was dated 22.03.2011, whereas services of the respondent-workman were terminated on 31.01.2011.

[7] Learned counsel for the petitioner by referring to paragraph No.9 of the petition contended that one month's prior notice (Ex.M-4) was served upon the respondent-workman, therefore, the termination of the services of the respondent-workman was in accordance with the provisions of Section 25-F(A). The argument is devoid of merit for the simple reason that stand of the respondent-workman was that she had served the management from 15.11.2007 till 30.01.2011 against monthly salary of ₹2500/- per month when her services were abruptly terminated on 01.02.2011 without any notice, charge sheet, enquiry or compensation. One month prior notice (Ex. M-4) relied upon by the petitioner as having been served on the respondent-workman (Ex. M-4) is dated 22.03.2011 whereas services of respondent-workman were terminated on 01.02.2011. In the circumstances, even if it be the stand of the management that the respondent-workman had abandoned service, it was incumbent upon the management to have terminated the services of the respondent-workman in accordance with the principles of natural justice. The same not having been done, there is no merit in the writ

with the award passed by the learned Tribunal. Accordingly, finding no merit in the writ petition, the same is dismissed in limine.

**(B.S. Walia)**  
**Judge**

**August 17, 2019**  
*‘Rajneesh’*

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No