

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7201 of 2001 (O&M)

Date of Decision: 29.01.2020

Sukhdev Singh

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: None for the petitioner

Ms. Samina Dhir, DAG Punjab

GIRISH AGNIHOTRI, J. (Oral)

(1) The present writ petition pertains to the year 2001. The record shows that when the case was sent for settlement before the Lok Adalat in 2016, none had appeared for the petitioner. Again when the case was listed for regular hearing on 08.01.2020 none had appeared. This Court had directed that the counsel for the petitioner be informed of the date fixed. Office has reported that counsel had been informed of the date fixed. In spite that none had put in appearance, therefore this Court proceeds to take up the matter and decide the same on merits. With the able assistance of the State counsel the case has been examined.

(2) The present writ petition has been filed by the petitioner Sukhdev Singh, *inter alia* with a prayer to quash the award dated 16.11.2000 (P1).

(3) The case of the workman as pleaded before the Labour Court was that he was appointed initially on 16.09.1981 and worked till 29.11.1990. It was *inter alia* pleaded case of the workman that his services were terminated without compliance of the Section 25F. The respondents had appeared and the stand taken by them as per their pleadings that the

petitioner was not a workman. It was submitted that the respondent-department had engaged him in implementation of schemes which are solely and purely relating to rural development. The detailed findings returned by the Labour Court read as under:-

17. Now coming to the facts of the instant case, the respondent pleaded and proved by examining MW1 that the workman was initially appointed as Surveyor on 18.9.81 at a consolidated pay of Rs.521/- p.m for two months against scheme No.CD-3.3 vide appointment letter Ex.M1 and his salary was to be disbursed from contingent funds of the Panchayats and thereafter he continued to be work as Surveyor under the respondent for different periods against different works upto 28.11.88 and his services stood terminated automatically after the expiry of the said period on the completion of the work against which he was appointed. The respondents have produced the Photostat copies of all the appointment letters issued by the respondent to the workman. As per the appointment order dt. 18.9.81, the workman was appointed for two months against specific work. As per appointment letter dt. 3.2.82, he was again appointed for 89 days on consolidated pay of Rs.521/- vide letter dt. 26.7.82, he was again appointed as Surveyor on same pay of Rs.521/- for 89 days basis to be effective from 4.7.82. Vide letter dated 8.2.83, he was again appointed for 89 days effective from 28.10.82 in the scale of Rs.400-600. Vide letter dated 8.2.83, he was again appointed as Surveyor for a specific period from 31.1.83 to 28.2.83 n the scale of Rs.400-600. Vide letter dt.

7.6.83, he was again appointed in the same scale of Rs.400-600 for one month to be effective from 27.5.83. Vide letter dt. 27.7.83, he was again appointed in the same scale of Rs.400-600 for one month to be effective from 28.6.83. Then for a period from 17.11.83 to 31.12.83 vide letter dt. 29.11.83, then from 3.1.84 to 31.1.84 vide letter dt. 23.1.84 for one month, then from 16.5.84 to 31.5.84 vide letter dt. 30.6.84. Again he was appointed from 18.6.84 to 30.6.84 vide letter dt. 30.7.84, then from 1.11.84 for 89 days vide letter dt. 12.11.84 again from 1.2.85 to 28.2.85 vide letter dt. 13.2.85. Again he was appointed for two montsh vide letter dt. 18.3.85. He was again appointed for one month vide letter dt. 5.6.85 and was again appointed for 89 days vide letter dt. 2.12.85, then for 89 days vide letter dt. 6.3.86, then again for 89 days vide letter dt. 28.7.88. He was lastly appointed as Surveyor for two months effective from 28.9.88 from 29.9.88 till 29.11.88 vide letter dt. 24.11.88. There is no letter of appointment from 29.1188 to 11/90.”

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“20. ...He has not completed a continuous service of 240 days vide appointment letters Ex.M1 from 1981 to 1988. As his service was on temporary basis which stood automatically terminated after the expiry of the said period and work and the workman has not been able to prove that he has also worked from 28.11.88 to 29.11.90 and as such the instant reference is not maintainable and the termination of services of the

workman is quite legal and valid and in accordance with the terms and conditions of his appointment letter Ex.M1. So, both the issues are decided accordingly against the workman and in favour of the respondent.”

(4) This Court finds no infirmity in the award passed by the Labour Court. The Labour Court has examined the record and has recorded the finding of fact.

(5) The writ petition accordingly dismissed.

29.01.2020

Vvishal

(Girish Agnihotri)
Judge

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No