

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

141

CWP No.13610 of 2022 (O&M)
DATE OF DECISION: 04th JULY, 2022

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.... **Petitioner**

Versus

**Divisional Forest Officer (Territorial) Forest Division, Jhajjar and
another**

.... **Respondents**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Mukesh Kumar Verma, Advocate,
for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

This is a petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the award dated 11.12.2019 (Annexure P-7), passed by Labour Court, Rohtak.

The claim of the petitioner is that the petitioner had worked with the respondent from 01.01.1998 to 31.03.2016. Her service was wrongly terminated without issuing any retrenchment notice or paying retrenchment compensation. The dispute having been raised, the same was referred to the Labour Court. The Labour Court has answered the reference against the petitioner with a finding that the petitioner has failed to prove the fact that he completed 240 days of service in the twelve calendar months preceding the alleged date of termination of her

service. Further, finding of the Labour Court is that the petitioner has failed to prove any relationship of master servant between the petitioner and the respondent. Hence, the present petition.

The counsel for the petitioner has submitted that the respondents have not produced the evidence before the Labour Court qua the retrenchment of the petitioner. The petitioner, being a poor labourer, was not having any material qua the said employment. Hence, the Labour Court has wrongly drawn the inference against the petitioner. It is further submitted that the respondents have not specifically denied the employment of the petitioner with them. Therefore, the same should have been taken as an admission by the respondent. Hence, the Labour Court has gone wrong in law in passing the award.

Having heard the counsel for the petitioner and having perused the record, this Court does not find any substance in the argument raised by the counsel for the petitioner. There is no evidence led on file by the petitioner to establish the fact that the petitioner has worked with the respondent. Moreover, no documentary evidence has been led by the petitioner to the effect that she had completed 240 days of service in the twelve calendar months preceding the alleged termination of her service.

Although the petitioner has examined her co-worker, however, the said co-worker has deposed qua the work for two-three months only. However, this does not fulfill the requirement of petitioner working for 240 days in the twelve calendar months immediately preceding the alleged date of termination of her service.

Hence, this Court does not find any illegality or perversity with the award passed by the Labour Court. Therefore, the present petition is dismissed.

The pending miscellaneous application, if any, is also disposed of as such.

04th JULY, 2022
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>