



In the High Court of Punjab and Haryana, at Chandigarh

Letters Patent Appeal No. 438 of 2024 (O&M)

Date of Decision: 09.09.2024

Dalbir

... Appellant(s)

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar and Another

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Sheel Nagu, Chief Justice.
Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Manoj Chahal, Advocate
for the appellant(s).

Anil Kshetarpal, J.

CM-1049-LPA-2024

1. For the reasons stated in the application, the same is allowed and delay of 112 days in filing the appeal stands condoned.

2. Brief Facts

2.1 Through this intra court appeal, the workman challenges the correctness of the learned Single Judge's judgment passed on 19.09.2023 which, in turn, has upheld the award passed by the Labour Court (LC).

2.2 The appellant claims that he worked as a Daily Wager for the period from the year 1991 to 31.07.2001 under the Divisional Forest Officer, Bhiwani Range of Territorial Division. Whereas he worked under the Division Forest Officer, Community Forestry Project, Bhiwani, during the period from 01.08.2001 to 30.06.2005, however, on 01.07.2005 he was not

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were no longer required.

2.3 Respondent No.2 denied the appellant's claim regarding his work in Community Forestry Project at Bhiwani at any point of time. During the pendency of the reference before the Labour Court, on an application filed by the appellant, muster rolls issuance register and bills pertaining to Loharu Range of the department for the period from 1991 to 31.07.2001 were produced and it was found that the appellant did not remain in the employment of respondent No.2 during the said period. However, the management witness, namely Rajpal Singh, Range Forest Officer (Territorial), admitted that the appellant remained in employment of respondent No.1 in the months of February 1988, July 1998, November 1989, December 1990, February, 1991 and March 1991 and worked only for 133 days during those months. The LC found that the appellant has failed to prove that he worked for a period of 240 days during the previous 12 calendar months which, as already noticed, has been upheld by the learned Single Judge.

3. Submissions put forth by the learned counsel representing the appellant.

3.1 The appellant's counsel has failed to draw the attention of the Bench to any substantive error either in the judgment passed by the learned Single Judge or in the judgment of the LC. The scope of interference in the intra Court appeal is limited. The primary onus to prove that the appellant worked for 240 days in the previous 12 calendar months was upon the appellant, however, he failed to discharge the same. In fact, it has come in evidence that he only worked for 133 days between February 1988 to March

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1991. Apart therefrom, the appellant has failed to produce any evidence.

3.2 The appellant claims that his services were retrenched w.e.f 01.07.2005, however, he failed to prove the same.

4. **Decision**

4.1 For the foregoing reasons, there is no ground to interfere.

Hence, the appeal is dismissed.

(Anil Kshetarpal)
Judge

(Sheel Nagu)
Chief Justice

September 09, 2024
“DK”

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