



CWP-13612-2000 (O&M) -1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-13612-2000 (O&M)
Date of decision: 23.07.2024

AJAIB SINGH

....PETITIONER

Vs.

MANAGING DIRECTOR, COOPERATIVE, TARNTARAN CO-
OPERATIVE SUGAR MILLS, TARNTARAN, DISTRICT AMRITSAR
AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ram Kumar Saini, Legal Aid Counsel
for the petitioner.

Mr. Rahul Sharma, Advocate
for respondent No.1.

Mr. Vikas Singh, Advocate
for respondent No.2.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 01.10.1997 (Annexure P-2) whereby Labour Court, Amritsar-respondent No. 3 has rejected his claim.

2. The petitioner vide letter dated 28.02.1990 (Annexure P-1) was appointed by Tarn Taran Cooperative Sugar Mills Limited for a period of 6 months commencing w.e.f. 18.11.1989. In the said appointment letter, it was provided that if his performance is found satisfactory, he may be considered for regularization. He was not regularized and on completion of season, was discharged.

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3. On his application, reference No. 67 of 1991 came up for consideration before Labour Court which vide impugned order dated 01.10.1997 dismissed the reference. The Labour Court found that petitioner has not completed 240 days in the preceding year, thus, his claim is not maintainable, in terms of Section 25-F of Industrial Disputes Act, 1947.

4. Mr. Ram Kumar Saini, Legal Aid Counsel submits that petitioner during the pendency of reference before Labour Court was appointed by respondent No. 2 i.e. Ajnala Cooperative Sugar Mills Limited vide appointment letter dated 29.11.1996 and thereafter discharged from service on 24.05.1997. Respondent Nos. 1 and 2 had played fraud upon petitioner and he was trapped. Both the organizations discharged him before completion of 240 days period.

5. Per Contra, counsel for the respondents submits that petitioner did not complete 240 days either with respondent No. 1 or with respondent No. 2. Both the organizations were engaged in the manufacturing of sugar which is a seasonal industry. The petitioner was a temporary employee and was appointed for the season. He did not complete 240 days, accordingly, was not entitled to the benefit extended by Section 25-F of Industrial Disputes Act.

6. I have heard the arguments of both sides and with the able assistance of learned counsel perused the record.

7. From the perusal of order passed by Labour Court as well as argument of both sides, it is evident that petitioner was appointed on temporary basis and was never issued letter of regular appointment. Rather, he was discharged after completion of season. He did not complete 240 days either with respondent No. 1 or respondent No. 2. No right accrued in his favour in terms of Section 25-F of Industrial Disputes Act, thus, Labour Court dismissed his claim.



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This Court, does not find any jurisdictional error or manifest illegality warranting interference of this Court.

- 8. Dismissed.
- 9. Pending miscellaneous application(s), if any, shall also stand disposed of.

23.07.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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