

2024:PHHC:096993



CWP-17438-1997

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

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CWP-17438-1997
Date of Decision : 31.07.2024

TEJINDER SINGH

.... PETITIONER

V/S

THE JAGRAON CO-OPERATIVE SUGAR MILLS LTD. AND
ANOTHER

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present :- Mr.Aman Sharma, Advocate
Ms. Sitar Sharma, Advocate
Mr. Chirag Suri, Advocate
for the petitioner.

Mr. Vikas Singh, Advocate and
Ms. Anamika Sheoran, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of award dated 10.09.1997 (Annexure P-1) whereby Labour Court has upheld his termination.

2. The respondent was a Co-operative Sugar Mill which stands liquidated. It was no more in operation even prior to 2005 and was liquidated in 2005.



3. The petitioner from 22.08.1989 to 10.05.1991 was appointed as Surveyor by way of different appointment letters. The period of service was running from 59 days to 03 months. The last appointment letter was issued on 21.03.1991 and period of contract was 59 days. The respondent did not renew the aforesaid contract, accordingly, the petitioner came to be terminated. The case of the petitioner by way of reference came up before Labour Court which relying upon Section 2(oo)(bb) of Industrial Disputes Act, 1947 (for short, “ID Act”) has answered against him. The Labour Court has held that appointment of petitioner was for a fixed period, thus, his case falls within the ambit of Section 2(oo)(bb) of ID Act. He is not entitled to compensation as contemplated by Section 25 FF of ID Act.

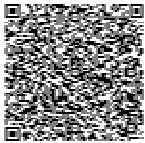
4. Mr. Aman Sharma, Advocate submits that junior of petitioner was retained, thus, non-renewal of contract of petitioner was *malafide* and arbitrary. The petitioner should be adjusted in any other sugar mill of the State Government.

5. Per contra, Mr. Vikas Singh, Advocate submits that the respondent was an independent sugar mill and liabilities of respondent cannot be shifted to any other sugar mill. The manufacturing unit was closed prior to 2005 and mill was liquidated by way of order passed by the Registrar, Co-operative Societies.

6. I have heard the arguments of learned counsel for the parties and perused the record with their able assistance.

7. Concededly, the petitioner was appointed for a fixed period.

In the last appointment letter, it was categorically mentioned that his



period of service is 59 days. Section 2(oo)(bb) of ID Act clearly provides that if an employee is appointed for a particular period and contract is not renewed, it would not fall within the ambit of expression ‘retrenchment’. Section 2(oo)(bb) of ID Act, for the ready reference, is reproduced is below :

(oo) "retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action but does not include.

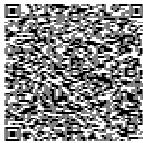
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(bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein;

X X X X

8. The petitioner was appointed for a fixed period and respondent as per its wisdom did not extend his contract, thus, his case squarely falls within the scope and ambit of aforesaid Section. The respondent was engaged in the business of manufacturing of sugar which is a seasonal industry. Most of the employees are appointed for a particular period.

9. The petitioner is heavily relying upon order dated 09.10.1996 passed by Labour Court in the case of **Nirmal Singh vs. The Jagraon Cooperative Sugar Mills Ltd. and another, Reference No.1682 of 1990.**



10. From the perusal of order passed in the case of Nirmal Singh's case (supra), it is evident that the said employee was terminated on account of misconduct on his part. The management did not conduct inquiry. As Nirmal Singh was terminated without compliance of prescribed procedure, thus, he was ordered to be reinstated. His case was not covered by Section 2(oo)(bb) of ID Act, thus, the petitioner cannot place reliance upon said authority.

11. In the wake of above facts and findings, this Court is of the considered opinion that the present petition is devoid of merit, thus, deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

31.07.2024
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No