



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-10464 of 2020

Date of Decision: 21.05.2024

Managing Director, Punjab State Forest Complex, SAS Nagar Mohali
and Anr.

.... Petitioners

Versus

Gurpreet Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Kanchan Sehgal, Advocate for the petitioners.

Mr. Jatinderpal Singh, Advocate
for respondent No.1.

Mr. Amit Chaudhary, DAG, Punjab.

SANJAY VASHISTH, J.(Oral)

1. Petitioners (i) Managing Director, Punjab State Forest Complex, (ii) Divisional Manager, Punjab State Forest Dev. Corp. Ltd., have filed the present writ petition, challenging the award dated 18.02.2020 (Annexure P-1), passed by the Industrial Tribunal, S.A.S. Nagar, Mohali, whereby reference No. 219 of 2013 has been answered in favour of respondent No.1-Gurpreet Singh (workman).

Learned Labour Court, while holding that the termination of the workman from service is bad in the eyes of law and against the provisions of Section 25-F of the Industrial Disputes Act, 1947 (for



short, the Act of 1947'), the workman was held entitled for reinstatement with continuity of service alongwith 50 % back wages.

2. Pledged case of the workman was that he worked with the Management from the year 1998 till 31.08.2012. It was further pleaded that at the time of termination from the services, the workman was drawing the salary of Rs.2,500/- per month. The services of the workman were terminated without any notice, charge sheet, enquiry or retrenchment compensation. It was further pleaded that the workman was appointed as temporary worker in the year 1998 vide order No. 120 dated 04.02.2000 and was directed to prepare the old accounts of the Management and was also directed to work with Smt. Baljit Kaur, Junior Asst. in Revenue Branch till 31.08.2012. As per verbal orders of Divisional Manager, the workman used to do dairy and dispatch work also.

3. In the written statement filed by the petitioner-Management, apart from the formal objections, Management pleaded that the workman was appointed for a specific job and for a specific time period and after completion of the work, his services were dispensed with. It was also pleaded that the workman was appointed on temporary and daily wage basis for the period 04.02.2000 to 04.01.2001 at a consolidated salary of Rs.2,500/- per month, to clear the back log of old accounts. This is how after completion of the work, the services of the workman were terminated. It was further pleaded that the workman was never appointed against the sanctioned



post. Thus, there is no requirement for meeting out the legal parameters i.e. issuance of notice or retrenchment compensation etc. in compliance to the provisions of Section 25-F of the Act of 1947.

4. After pleadings of the parties, learned Labour Court framed the following issues:

- “1. Whether the services of the workman were terminated illegally by the respondent? OPW*
- 2. Whether the reference is not maintainable as per preliminary objections taken by the respondent in its written statement? OPM*
- 3. Whether the workman is entitle to get any relief from the respondent? OPW*
- 4. Relief.”*

5. Workman-Gurpreet Singh himself stepped into the witness box as WW1 and proved his appointment letter dated 04.02.2000(Ex.W5), Joining report (Ex.W-17), letter dated 26.10.2010 from Directorate (Ex. W7), copy of application for seeking the record through RTI (Ex. W10), copy of dispatch Register (pages 1 to 364) (Ex. W11), and other relevant documents were also produced on record, which have been discussed by the labour Court in paragraph No. 8 of its award.

6. Not only this, workman produced one witness, namely Jatinder Kumar-(WW2), who was posted as Daftri/Record Keeper in State Bank of India. On appearance, said witness deposed that the record of bank is more than 10 years old and has been weeded out and in this regard he produced a copy of letter of instructions Mark



WW2/A. Even, Gourav Batra-WW3 (hand writing and fingerprint expert) also proved on record his own report (Ex. WW3/A1).

7. On the other hand, Management did not lead any evidence, despite giving five effective opportunities. Rather, in the cross-examination done by the Management of the workman (WW1), certain documents; such as appointment letter (Ex. M1), duty assigned by the Management (Ex. M2) and the joining report of the workman (Ex. M3) were put to him and thereafter, same were got exhibited.

8. Thus, by reading the case in hand, there is enough material produced by the workman for substantiating his claim that he worked with the Management from the petitioner 2002 to 2012.

9. Learned Labour Court has held in specific that the document Ex. W5 to W16 pertains to the year 2003 to August 2012, which were executed in the handwriting of the workman and being material documents are enough to prove that the workman used to serve the Management.

For reference, relevant findings recorded by learned Tribunal in paragraph Nos. 15 and 16 are reproduced herebelow:

“15. The record of the respondents Ex-W5 to Ex-W16 pertains to the year 2003 to august, 2012 which was in the handwriting of the workman. If he was not the employee of the respondent, then how the important documents Ex-W5 to Ex-W16 have been prepared in the handwriting of the workman. Meaning there by the preparation of the documents mentioned above in the handwriting of the workman proves that he was the employee of the respondent. His employment with the respondent has been further fortified from a letter dated 26.10.2010 Ex- 7. This letter has been written by managing Director, Punjab State Forest Vikas Nigam, Limited., to Divisional Manager, SAS



Nagar. In this letter present workman Gurpreet Singh produced the files before the Managing Director and the Managing Director has written to the Divisional Manager that Gurpreet Singh has no knowledge about these files and sought the reply again from Divisional Manager. The workman who took the official files and produced before the Managing Director could not be a stranger for the respondent department, so it shows that he was working in the respondent department and that is why he was given duty to produce files before the Managing Director. Therefore the plea of respondent that workman was engaged for limited period on 04.02.2000 as per Ex-M1 and relieved from duty on 04.01.2001 finds no feet to stand because there is no relieving letter dated 04.01.2001. Moreover, in Ex-M1 nothing is mentioned about a limited period of his service. The entire burden to prove that he was relived from the duties on 04.01.2001 was on the management but no evidence has been lead by the respondent management that the workman was actually relived from duties on 04.01.2001.

16. Ld. A/R for the respondent argued that the workman has admitted in his cross-examination that there was no extension after 04.01.2001, so he was relieved from duty. But these arguments of the Ld. A/R for the respondent are without any force because nothing has been mentioned in Ex-M1, the Appointment letter that his services were for limited period Extension was required only in case he has appointed for limited period it means the workman worked continuously till 31.08.2012 after his appointment on 04.02.2000 vide Ex-M1 and that is why there is much record in the and writing of the workman till 2012, so I find no merit in the contention raised by the A/R for the respondent.”

10. The factum of employment of the workman with the Management is further fortified from the letter dated 26.10.2010 (Ex. W7), which has been written by the Managing Director of the Management to Divisional Manager, S.A.S. Nagar. In the said letter, Managing Director has written to the Divisional Manager, S.A.S. Nagar that Gurpreet Singh (workman) has no knowledge about these files and therefore, sought the reply again from the Divisional Manager.



11. Thus, findings recorded by the learned Labour Court are on the basis of the qualitative evidence/material available on record, therefore, this Court does not find any reason to interfere with the well reasoned impugned award.

Accordingly, by maintaining the same, **the present writ petition is hereby dismissed.**

May 21, 2024
rashmi

[SANJAY VASHISTH]
JUDGE

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no