



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

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CWP-2571-2005

Date of decision: 14.10.2024

EXECUTIVE ENGINEER, PUBLIC HEALTH (RWS) DIVISION**FEROZEPUR AND OTHERS****....PETITIONERS****Vs.****SAT PAL AND ANOTHER****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Aman Dhir, DAG, Punjab
for the petitioners.

Mr. Shiv Kumar Sharma, Advocate and
Mr. Abhishek Jhamb, Advocate
for respondent No. 1.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of Award dated 14.10.2004 (Annexure P-1) whereby Labour Court has answered the reference in favour of the workman.

2. Mr. Aman Dhir, DAG, Punjab contends that respondent No. 1-workman worked with petitioners for 200 days in the 12 months preceding the date of his termination. He did not work for minimum 240 days, thus, he was not entitled to protection granted by Section 25-B read with Section 25-F of Industrial Disputes Act, 1947 (for short '1947 Act').

3. Mr. Shiv Kumar Sharma, Advocate submits that juniors of respondent No. 1 were retained and subsequently regularized, thus, there was violation of Section 25-G of 1947 Act.



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4. The workman was terminated on 29.07.1996 and impugned Award was passed on 14.10.2004. The workman had not worked for 240 days during 12 months preceding the date of his termination, thus, he is not entitled to benefit of Section 25-F of 1947 Act. There was, if any, violation of provisions of Section 25-G of 1947 Act on the part of petitioners. A period of 28 years from the date of termination of workman and 20 years from the date of Award has elapsed. On account of stay granted by this Court, the workman was not reinstated but he was paid wages in terms of Section 17-B of 1947 Act during the pendency of instant petition.

5. In the totality of facts and circumstances, this Court does not find it appropriate to set-aside impugned Award in toto, however, modify it to the extent that petitioner shall pay a sum of Rs. 75,000/- to respondent-workman within 3 months from today, failing which it would pay along with interest @ 9% per annum from the expiry of said period.

6. Disposed of accordingly.

14.10.2024
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[JAGMOHAN BANSAL]
JUDGE

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