



268 (13)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11474-2021
Date of Decision:26.11.2024

SATPAL Petitioner

Versus

THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL CUM
LABOUR COURT, PANIPAT AND ANOTHER Respondents

Sr. No.	Case Number	Titled
2	CWP-11593-2021	JAI BHAGWAN V/S THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL CUM LABOUR COURT, PANIPAT AND ANR.
3	CWP-22910-2021	DEVI LAL V/S THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANIPAT AND ANR
4	CWP-22953-2021	BALA V/S THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANIPAT AND ANR
5	CWP-22954-2021	CHALTI DEVI V/S THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANIPAT AND ANR
6	CWP-22957-2021	MAHENDAR V/S THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANIPAT AND ANR
7	CWP-22976-2021	SAROJ V/S THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANIPAT AND ANR
8	CWP-22980-2021	NARESH KUMAR V/S THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANIPAT AND ANR
9	CWP-23007-2021	SANTOSH V/S THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANIPAT AND ANR
10	CWP-23019-2021	KOSHALYA V/S THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANIPAT AND ANR
11	CWP-23017-2021	LOKENDER V/S THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-

		LABOUR COURT, PANIPAT AND ANR
12	CWP-23022-2021	BHATERI V/S THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANIPAT AND ANR
13	CWP-24620-2021	JAI KARAN V/S THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANIPAT AND ORS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Ankur Goyat, Advocate for
 Mr. Ramesh Goyat, Advocate
 for the petitioner.

Ms. Harsh Rekha Kapoor, AAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order, the above-noted petitions are hereby adjudicated as issues involved and prayer sought in all the petitions are common. For the sake of convenience and with the consent of parties, the facts are borrowed from CWP-11474-2021.
2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 03.03.2021 (Annexure P-7) whereby Labour Court has directed the respondent No.2 to produce service record of petitioner for a period of 12 months preceding the date of termination instead of complete service record.
3. The petitioner is an ex-employee of respondent No.2- Divisional Forest Officer, Sonapat Division, Sonapat. The petitioner has preferred petition before Labour Court against his order of termination.
- The petitioner has to prove that he has worked for at least 240 days



during 12 months preceding the date of his termination. He would not fall with the definition of workman if it is not proved that he has actually worked for at least 240 days during 12 months preceding the date of his termination. He preferred an application before Labour Court seeking direction to respondent to produce his complete service record. The Labour Court vide impugned order dated 03.03.2021 (Annexure P-7) has directed the respondent to produce service record of 12 months preceding the date of termination.

4. Mr. Ankur Goyat, Advocate for the petitioner submits that respondent is claiming that petitioner is not its employee and they have engaged him through a contractor. It is factually incorrect. The petitioner can prove his claim if entire service record is produced.

5. Ms. Harsh Rekha Kapoor, AAG, Haryana submit that writ petition against interim order is not maintainable. The scope of writ jurisdiction against interim order is very limited. The petitioner at the first instance has to prove that he had actually worked with Management for 240 days during the preceding 12 months, accordingly, Labour Court has summoned record of 12 months.

6. I have heard the arguments of learned counsel for the parties and perused the record.

7. Indubitably, the petitioner at the first instance has to prove service of 240 days during 12 months preceding the date of his termination. If it is disproved, he has no claim under Section 25F of Industrial Disputes Act, 1947 (for short 'I.D. Act'). The Labour Court, as per its wisdom, at the first instance has summoned record of 12 months to ascertain whether petitioner falls within the definition of workman or not.



The impugned order would not inhibit Labour Court to summon records of previous years if it comes to a conclusion that petitioner falls within the definition of workman and is entitled to relief as contemplated by Section 11A and 25F of I.D. Act.

8. There is no reason to set aside impugned order when Labour Court is not denuded of its power to summon entire service record and respondent is a public authority.

9. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

26.11.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No