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

CWP-11231-2016**Date of Decision: 10.09.2024****SURINDER KUMAR**

..... Petitioner

Versus

**PRESIDING OFFICER, LABOUR COURT, AMBALA, DISTRICT
AMBALA AND ANOTHER**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Munish Dev Sharma, Advocate
for the petitioner.

Mr. Pawan Attri, Advocate
for respondent No.2.

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 14.01.2016 (Annexure P-4) whereby Labour Court has answered the reference against the workman.

2. The petitioner came to be appointed by Management on 12.04.2013 on the post of Peon. As per contract, he was allowed to work till 11.10.2013. The petitioner was relieved on account of determination of period of contract. He again came to be appointed for a short period on 15.10.2013. The agreed period expired on 31.12.2013 and thereafter respondent made fresh appointment by way of advertisement. The petitioner did not participate in the fresh selection process and a new candidate came to be appointed. He opted to approach the Labour Court



by way of reference which was answered against him.

3. Learned counsel for the petitioner submits that petitioner was illegally terminated. The Management wanted to make appointment of another candidate, thus, his contract was not continued.

4. Learned counsel for the respondents submit that Labour Court has recorded specific findings to the effect that petitioner had not completed 240 days during the preceding 12 months and he did not participate in the fresh selection process, thus, he was not entitled to benefit granted by Section 25B and 25F of Industrial Disputes Act, 1947 (for short '1947 Act').

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

6. From the perusal of impugned order, it comes out that Labour Court has answered reference against the workman because he did not complete continuous service of 240 days. He had worked during preceding 12 months for more than 240 days, however, there was gap between the two periods. The workman on the expiry of first contract period was relieved and thereafter after 3 days, he was permitted to continue for approximately 2 ½ months. At the first instance, he worked from 12.04.2013 to 11.10.2013 and thereafter from 15.10.2013 to 31.12.2013. He had worked against two different contracts. The Management advertised regular post and workman did not participate in the fresh selection process. Resultantly, he was not selected. The petitioner has not pleaded that 3 days gap period was created to deprive him from his valuable right created by Section 25B and 25F of 1947 Act. The petitioner has simply pleaded that his service was illegally



terminated. He has not challenged findings of Labour Court which are categoric to the effect that he has not completed continuous service of 240 days. The Management after December’ 2013 advertised regular post of Peon. The petitioner did not participate in the fresh selection process and another candidate came to be selected.

7. This Court does not find any jurisdictional error or factual infirmity in the findings recorded by Labour Court. The petition being devoid of merit deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

10.09.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>