



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23798-2011
Date of Decision:29.11.2024

RAM PARSHAD Petitioner

Versus

THE DIRECTOR, CENTRAL SOIL SALINITY RESEARCH
INSTITUTE, KARNAL & ANR
..... Respondents

Sr.No.	Case Number	Titled
2	CWP-24057-2011	SURESH PAL V/S THE DIRECTOR, CENTRAL SOIL SALINITY RESEARCH INSTITUTE, KARNAL & ANR.
3	CWP-24103-2011	RAM LAL V/S THE DIRECTOR, CENTRAL SOIL SALINITY RESEARCH INSTITUTE, KARNAL & ANR.
4	CWP-24119-2011	SHAM SINGH V/S THE DIRECTOR, CENTRAL SOIL SALINITY RESEARCH INSTITUTE, KARNAL & ANR.
5	CWP-24128-2011	BIMLA V/S THE DIRECTOR, CENTRAL SOIL SALINITY RESEARCH INSTITUTE, KARNAL & ANR.
6	CWP-24149-2011	RAMESH V/S THE DIRECTOR, CENTRAL SOIL SALINITY RESEARCH INSTITUTE, KARNAL & ANR.
7	CWP-24159-2011	INDER SINGH V/S THE DIRECTOR, CENTRAL SOIL SALINITY RESEARCH INSTITUTE, KARNAL & ANR.
8	CWP-24182-2011	MAI CHAND V/S THE DIRECTOR, CENTRAL SOIL SALINITY RESEARCH INSTITUTE, KARNAL & ANR.

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. K.B. Sharma, Advocate and
Mr. Rishav Sharma, Advocate
for the petitioner.

Mr. Naveen Chopra, Advocate
for respondent No.1.



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-23798-2011.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 14.07.2007 (Annexure P-5) whereby Labour Court has answered the reference against him.

3. The respondent No.1 (for short 'respondent') is an instrumentality of Union of India. The petitioner joined respondent in 1983 through Employment Exchange. He claims that he had served till 31.12.1990 whereas respondent is claiming that he did not work after 01.04.1988. The respondent retrenched a couple of workers and they approached Labour Authorities. The matter came to be referred to Labour Court which with respect to few workers vide Award dated 03.10.2008 (Annexure P-6) formed an opinion that Management has failed to submit service record from 1988 to 1990, thus, adverse inference should be drawn against the Management. Drawing adverse inference, it was held that workers had worked for 240 days during 12 months preceding the date of retrenchment, thus, they are entitled to reinstatement. The matter of petitioners herein came up before another Judicial Authority i.e. Labour Court-II, Chandigarh which formed a totally different opinion with respect to service of 240 days. It formed an opinion that workman



during 1988 has not completed 240 days, thus, he is not entitled to protection of Section 25F of Industrial Disputes Act, 1947 (for short 'ID Act').

4. The Management-respondent came up before this Court assailing Award dated 03.10.2008 (Annexure P-6). This Court vide judgment dated 26.08.2009 passed in *Civil Writ Petition No.5786* of 2009 titled as '*Central Soil Salinity Research Institute, Karnal Vs. Jasmer Singh and another*' modified the award to the extent that workman cannot be ordered to be reinstated, however, they are entitled to lump sum compensation. The Management unsuccessfully preferred Intra Court Appeal as well as Special Leave Petition before Hon'ble Supreme Court.

5. Mr. K.B. Sharma, Advocate for the petitioner submits that petitioners were similarly situated with other workers still different benches of Labour Court passed different order. On the same set of facts, in a bunch of petitions, it was held that they are entitled to reinstatement whereas in the case of petitioners a diametrically opposite opinion was formed. He submits that grievance of petitioners would be redressed, if this Court grants same relief as has been granted to similarly situated workmen.

6. Per contra, Mr. Naveen Chopra, Advocate for the respondents submits that Labour Court has recorded categorical findings to the effect that workman had not completed 240 days during 12 months preceding the date of retrenchment, thus, they are not entitled to any relief.

7. I have heard the arguments of learned counsel for the parties



and perused the record.

8. From the perusal of record, it is evident that petitioners were similarly situated with other workers. They were retrenched at the same point of time. The Labour Court in one set of petitions formed an opinion that Management has not produced record from 1988 to 1990, thus, adverse inference should be drawn and in the case of petitioners formed an opinion that there is no evidence of work from 1988 to 1990 and they have worked less than 240 days during 1988. The findings of Labour Court in the impugned award are diametrically opposite to findings recorded in the Award dated 03.10.2008 (Annexure P-6). The petitioners were sailing in the same boat as other workers. They were retrenched at the same point of time. In the both set of cases, the Management was claiming that after 1988, the workers have been engaged through contractor. The Management was not denying their engagement till December' 1990 and only argument was that after 1988 they have been engaged through contractor.

9. The ID Act is a piece of beneficial legislation and it is made for the welfare of workers. The preamble of our Constitution also declares our country a 'Socialist State'. It is responsibility of the State to protect its citizen. The respondent is an instrumentality of State. It cannot deflect from its responsibility and take benefit of technicalities.

10. Considering the facts and circumstances, this Court is of the considered opinion that petitioners deserve benefit as was extended to similarly situated employees vide order dated 26.08.2009 passed by this Court in *Jasmer Singh's case (supra)*.

11. On the asking of Court, Mr. K.B. Sharma, submitted that



grievance of the petitioners would be redressed, if all the workmen are paid Rs.1.5 lakh each. Accordingly, the respondent is directed to pay a sum of Rs.1.5 lakh to each workman within 2 months from today, failing which, it would be liable to pay interest @ 12% per annum.

12. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

29.11.2024
Ali

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