



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

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CWP-12028-2017

Decided on : 07.05.2024

Karamvir

... Petitioner(s)

Versus

The Presiding Officer,
Labour Court, Ambala and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. J.S. Cooner, Advocate
for the petitioner(s).

Mr. Amarjit Singh Virk, Advocate
for respondents No.2 & 3.

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Karamvir (workman) has filed the instant writ petition, challenging the award dated 13.01.2011 (Annexure P-1), passed by respondent No.1 – Learned Labour Court, Ambala, whereby, Reference No.94 of 2008, under Section 10(1)(C) of the Industrial Disputes Act, 1947 (for brevity, 'ID Act'), has been answered against him.

2. Pleaded case of the petitioner is that he had served as 'helper' in the Electricity Division in the Kurukshetra University, Kurukshetra (Management) w.e.f. 02.04.1997. After completion of 240 days of continuous service, he was finally terminated on 01.01.2007, without assigning any reason. Even the juniors of the workman were retained in service. Thus, provisions of Sections 25-G & 25-F of the ID Act, have been violated. Thus, claims for reinstatement along with continuity of service and



full back-wages.

3. In the written statement filed by the Management, apart from the formal preliminary objections, it has been pleaded that the workman, worked in Elect. Sub Division during the year 1997, but served only for a period of six months, and thereafter, left the job on his own sweet will. Never any notional break was given to the workman by the department.

4. Learned Labour Court, while examining the factual aspect, as to whether the workman worked for 240 days in the preceding one year of his termination, noticed the admission of the workman in his evidence that “**yeh theek hai ki mere kissi bhi varsh mein 240 din pure na huwe hai**”. Learned Labour Court also observed that as per the muster roll, workman worked from 01.11.1999 to 31.12.2006 i.e. in the year 1999 for 193 days, in the year 2001 for 143 days, in the year 2003 for 52 days and in the year 2006 for 154 days. Thus, in none of the year, working of 240 days is proved.

5. Learned Labour Court, while answering the reference against the workman (petitioner herein), held that it became crystal clear that the workman cannot be held entitled to any relief what-so-ever, as the provisions of the ID Act, were not applicable/attracted in the instant case.

6. Even before this Court, in the writ jurisdiction, petitioner (workman) has failed to point out any illegality or infirmity in the impugned award (Annexure P-1). Even, no substantial piece of evidence or arguments has been raised before this Court in respect of violation of Sections 25-G & 25-F of the ID Act.

7. Besides above, counsel for respondents No.2 & 3, further submits that it is a nothing but luxury litigation for the petitioner – workman,



because the impugned award (Annexure P-1) was passed way-back on 13.01.2011, and the present writ petition has been filed in the year 2017. Thus, filing of the writ petition suffers from inordinate delay and laches.

8. This Court agrees with the submission of counsel for respondents No.2 & 3 (Management). Moreover, no material discrepancy, has been pointed out by counsel for the petitioner – workman, in the present case.

9. Accordingly, the writ petition is **dismissed** on both the grounds i.e. there exists no illegality or perversity in the impugned award and that the writ petition suffers with delay and laches and the impugned award dated 13.01.2011 (Annexure P-1) is hereby maintained.

(SANJAY VASHISTH)
JUDGE

May 07, 2024

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*