



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

**CWP-1006-2001 (O&M)  
Date of Decision : 30-07-2025**

**JAGDEEP SINGH (SINCE DECEASED) THROUGH LRS  
.....Petitioner  
VERSUS**

**PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, PANIPAT AND OTHERS  
.....Respondent(s)**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. G.S Gopera, Advocate  
for the petitioner.

Mr. Naveen S. Panwar, DAG Haryana.

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**HARSIMRAN SINGH SETHI, J. (Oral)**

1. In the present petition, the challenge is to the award dated 05.09.2000, copy of which has been appended as Annexure P-5 by which, the claim of the petitioner that the services of the petitioner has been terminated, being in violation of the provisions of the Industrial Disputes Act, 1947 (for short "1947 Act") has not been appreciated by the Tribunal in the correct perspective.

2. Learned counsel for the petitioner argues that though the petitioner-Workman was working with the State starting from January, 1992 and continued working till 31.07.1995, the relief has been denied only on the ground that the petitioner-Workman had worked in two different divisions

i.e. Safidon and Kaithal, which are separate hence, for the purpose of counting the number of days service of 240 days has been rendered by petitioner but in different divisions and the number of days service has been rendered in one division cannot be counted alongwith the days service has been rendered in the another division, where the petitioner-Workman was working at the time when his services were terminated.

3. Learned counsel for the petitioner-Workman submits that once, the employer of the petitioner in the two different divisions in the same hence, working under the same employer under different divisions cannot be treated as working under two different employees so as not to take into consideration the period petitioner has rendered service in one division or the another division hence, once, it is a conceded fact that the total number of days which the petitioner-Workman had worked in two separate divisions in preceeding 12 months prior to his termination, when clubbed together totals to more than 240 days, the respondents were under an obligation to grant the petitioner-Workman the benefit admissible under the 1947 Act.

4. Learned counsel for the respondent-State submits that once, the petitioner-Workman had worked in two different divisions, authorities concerned in one division did not know about the number of days service had been rendered by the petitioner-Workman in the other division hence, the award dated 05.09.2000 (Annexure P-5) is perfectly valid and legal.

5. I have heard the learned counsel for the parties and have gone through the records of the present case with their able assistance.

6. The fact that the petitioner-Workman has worked from January, 1992 till 31.07.1995 is not disputed. The only dispute is with regard to that the petitioner-Workman had worked in more than one division during

the said period of employment and that whether, the total number of days the petitioner has rendered service in two divisions, is to be clubbed together so as to be taken into account to decide that whether the petitioner-Workman had worked for 240 days in the preceeding 12 months prior to the termination or the same has to be counted by restricting the same to each division separately.

7. Once, the petitioner-Workman was working under the same employer and the same employer was making payment to the petitioner while he was working at Safidon division as well as at Kaithal division, the total number of days the petitioner has rendered service in both the divisions has to be taken into account to determine that whether he is entitled for any benefit under the 1947 Act.

8. Merely that the petitioner rendered service in one division along with the other division under the same employer, both these divisions cannot be treated as separate division to ignore the total time period for which the service had been rendered by the petitioner-Workman in one or the other division. The Tribunal has failed to appreciate the fact that once, the employer remains the same, the number of days an employee worked in two different divisions has to be taken into account for the purpose of calculating 240 days in service, in a calendar year, prior to termination so as to evaluate the entitlement of the petitioner-Workman under the 1947 Act.

9. Keeping in view the said fact once, it is conceded that if total number of days worked by the petitioner in both the divisions is clubbed and taken as one unit, the petitioner-Workman had completed 240 days in preceeding 12 months prior to the date his services were terminated in August, 1995 hence, once, the provisions of Section 25F of the 1947 Act

were not complied with by the respondent at the time of the termination of the services of the petitioner-Workman, the said termination is contrary to Section 25F of the 1947 Act and the same cannot sustain. Accordingly, the termination of the services of the petitioner-Workman is held to be bad.

10. As of now, the petitioner-Workman has already died and the legal heirs have been brought on record.

11. Keeping in view the totality of the circumstances, when the petitioner-Workman had worked for more than 3 years, as benefit of reinstatement in service cannot be granted to the petitioner-Workman, the petitioner-Workman is granted a lumpsum compensation of Rs.2,00,000/- to be paid to the legal heirs of the petitioner-Workman. In case, the said amount is not paid within a period of 8 weeks from the receipt of copy of this order, the amount of Rs.2,00,000/- will also carry interest from today @ 6% per annum till the amount is paid.

12. The award dated 05.09.2000 (Annexure P-5) is set aside and the writ petition is allowed in the above terms.

13. Pending application, if any, also stands disposed of.

30-07-2025  
Sapna Goyal

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

NOTE: Whether speaking: YES  
Whether reportable: NO