



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(221)

CWP No. 15325 of 2000 (O&M)

Date of Decision : 13.02.2025

Zile Singh

...Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat and
others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Abha Rathore, Advocate for the petitioner.

Mr. Saurabh Girdhar, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance of the petitioner is qua the Award dated 24.04.2000 (Annexure P-10) by Labour Court by which, the claim of the petitioner that his services have been terminated by contravening Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act'), has not been accepted.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner had filed a writ petition in order to claim the benefit of regularization of his services by virtue of the judgment of this Court in CWP No. 72 of 1988 titled as ***Piara Singh and another Vs. State of Haryana and others***, decided on 26.09.1988, which petition was allowed by the Division Bench but the respondents did not grant the petitioner with the



benefit of regularization of service and ultimately, the services of the petitioner were terminated by the respondent-State on 31.03.1988.

3. Learned counsel for the petitioner further submits that the said termination of the petitioner is contrary to the settled principle of law and, therefore, the same was liable to be set-aside, hence, petitioner be granted remedy before the Labour Court. Before the Tribunal, the respondents appeared and stated that in none of the years of his service with the respondents, the petitioner had completed 240 days in a whole year and rather when the order was passed by the Division Bench in September, 1988, the services of the petitioner had already been terminated in March, 1988 which makes the assertion of completion of 240 days so as to retrieve benefits under the 1947 Act becomes infructuous. Therein, the respondents also placed on record the number of days the petitioner worked to show that in none of the years he had worked with the respondents, had he completed 240 days.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Qua the first argument that the claim of the petitioner was allowed by the Division Bench in terms of the judgment in **Piara Singh's case (supra)**, it may be noticed that the services of the petitioner had already been terminated in March, 1988 much prior to date when order was passed by the Division Bench. In case the petitioner was aggrieved in any manner regarding the fact that his services are not being regularized, he could have availed the appropriate remedy, but no such action was taken by the



petitioner, hence, no benefit of the order passed by the Division Bench in CWP No. 9117 of 1988 can be extended to the petitioner.

6. Further, the respondents had given the details of each year of the service when the petitioner worked with the respondents, which fact has been noticed by the Labour Court and upon which a finding has been recorded that in none of the year the petitioner worked with the respondents, had he completed 240 days. These being the factual averments made by the respondents, no ground is made for any interference at the hands of this Court.

7. Learned counsel for the petitioner further submits that no record was produced by the respondents to support the averments. It may be noticed that even the petitioner has not brought on record anything to substantiate his claim that in any of the year the petitioner worked upto the date of his termination, he had completed 240 days. Further, the services of the petitioner were terminated in March, 1988 whereas the petition was filed in the year 1996 before the Labour Court challenging the said termination. This also shows that from 1988 till 1996 even the petitioner was not working with the respondents.

8. Keeping in view the totality of the circumstances, where a clear cut finding has been given by the Labour Court that the petitioner has never completed 240 days in a whole year in his service career with the respondents, the prayer of the petitioner that the termination of the services of the petitioner was in violation of Section 25-F of the Industrial Disputes Act, 1947 cannot be accepted. The findings recorded by the Tribunal have



not been shown by the petitioner to be perverse either to the averments made in the petition or to the evidence which has come on record.

9. No ground is made out for any interference by this Court in the present petition.

10. Dismissed.

11. Pending miscellaneous application, if any, also stands disposed of.

February 13, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No