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

(226)

CWP-14468-1999 (O&M)

Date of Decision : March 04, 2025

Raj Kumar

.. Petitioner

Versus

Presiding Officer, Labour Court, Panipat and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ishnoor Singh, Advocate, for the petitioner.

Mr. Baldev Raj Mahajan, Sr. Advocate, with
Mr. Arvind Seth, Advocate, for respondents No. 2 & 3.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-24552-1999

As prayed for, the application is allowed.

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1. In the present writ petition, the grievance being raised by the petitioner is that vide order dated 04.11.1997/10.12.1997 passed by the Labour Court (Annexure P-1), the petitioner has been denied the benefit as claimed before the Labour Court qua the termination of his services on the ground that in the preceding 12 months prior to the date of termination, the employee had not completed 240 days in the service with the respondents so as to get the benefit under Section 25-F of the Industrial Disputes Act, 1947. Hence, it is the prayer of the petitioner that the order passed by the Labour Court be set aside.

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2. Learned counsel for the petitioner submits that the petitioner had worked with the respondents at Hafed Rice Sheller, Gharaunda from 18.10.1993 to 01.03.1994 and from 15.04.1995 to 30.04.1995 at Hafed Jundla.

3. Learned counsel for the petitioner submits that the petitioner completed 240 days in the preceding 12 months prior to the date of termination.

4. Learned counsel for respondents No. 2 and 3 submits that the total record of the service of the petitioner was brought before the Labour Court and the details were given regarding the same which have gone un-rebutted by the petitioner.

5. Learned counsel for respondents No. 2 and 3 further submits that a clear finding has been given by the Labour Court in it's impugned order dated 04.11.1997 (Annexure P-1) that the petitioner had worked at Hafed Rice Sheller, Gharaunda from 18.10.1993 to 01.03.1994 and thereafter, again worked another unit of Hafed in Gharaunda from 18.04.1994 to 12.07.1994 and had only worked upto 221 days total in both the units.

6. Learned counsel for respondents No. 2 and 3 further submits that after appreciation of the evidence brought on record, the finding has been recorded by Labour Court in it's impugned order, which order may kindly be upheld.

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

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8. The Labour Court has appreciated the evidence which has come on record before the Court and recorded a finding based upon those evidence that the petitioner has not worked for a total of 240 days in 12 months preceding the date of his termination.

9. Learned counsel for the petitioner has again reiterated the same that the petitioner has worked from 15.04.1995 to 30.04.1995 at Hafed Jundla but no such record has been produced by the petitioner so as to prove the said assertion.

10. In the absence of any record regarding the said averment brought before the Tribunal, the same has rightly been ignored by the Tribunal while passing the impugned order. The mere assertion of the petitioner is not good enough so as to treat that the petitioner also worked in the office of Hafed, Jundla for a period of 15 days.

11. Even otherwise, the period of 15 days, which the petitioner is claiming should be added, if added to the 221 days, the same still does not add up to qualify as 240 days.

12. Keeping in view the above, as no perversity in the finding recorded by the Tribunal has been pointed out by the learned counsel for the petitioner, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

13. Accordingly, the writ petition is dismissed.

14. Civil miscellaneous application pending if any, also stands disposed of.

March 04, 2025

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No