



CWP-2590-2001,
CWP-3115-2001 and CWP-3104-2001

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211) Date of Decision : 16.10.2025

1. CWP-2590-2001
Satyawan ...Petitioner

Versus

Presiding Officer, Labour Court,
Ambala and another ...Respondents

2. CWP-3115-2001
Vinod Kumar ...Petitioner

Versus

Presiding Officer, Labour Court,
Ambala and another ...Respondents

3. CWP-3104-2001
Ved Parkash ...Petitioner

Versus

Presiding Officer, Labour Court,
Ambala and another ...Respondents

CORAM: HON’BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. R.S. Longia, Advocate and
Mr. Rishabh Rana, Advocate
for the petitioner(s) in all the cases.

Mr. Bhupender Singh, Advocate
for respondent No.2-Municipal Committee.



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KULDEEP TIWARI, J.(ORAL)

1. All the above mentioned three petitions are amenable to be decided together, as the common issues are involved in all these petitions, and with the consent of learned counsel for the parties, same are taken up together for adjudication.

2. For the sake of brevity, the facts of CWP-2590-2001, are taken into consideration, for decision of the instant petitions.

3. In the instant case, the reference made under Section 10 (1) (c) of the Industrial Disputes Act, 1947 (hereinafter to be referred as 'the ID Act'), has been answered against the workmen, with the observations that they have not completed 240 days, in the preceding year.

4. Learned counsel for the petitioner(s), in order to throw challenge to the impugned award dated 07.03.2000 (Annexure P-5), submits that the petitioner(s) were earlier appointed in the year 1992, and their services were illegally terminated, and they were re-appointed on 01.06.1994, therefore, the learned Tribunal concerned, should have taken into consideration the complete service rendered by them, and had to count the previous service as well for calculating 240 days. He further submits that mere sworn of affidavit(s) by the petitioner(s), cannot take away their legal rights, so far as counting of previous service is concerned. He further submits that though the strike may have been declared illegal, however, mere participation of the workmen in strike, would not entitle automatic right to the respondent No.2/Management, to terminate their services. Even, the declaration of the strike to be illegal, has been taken as a ground in the statement of claim.

5. He, in addition, submits that even otherwise, in case, the petitioner(s)/workmen did not complete 240 days of service in the preceding



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year, still the respondent No.1/Management, cannot relieve themselves from their statutory duty for making compliance to the provisions of Section 25(g) and (h) of the ID Act, and in the absence of such compliance, the workmen deserves to be re-instated in the service.

6. On the other hand, learned counsel for the respondent No.2/Management, submitted that it is a clear cut case where the workmen have failed to establish, before the learned Tribunal concerned, to the effect, that they have completed 240 days, in the preceding year. The factual observations made by the learned Tribunal concerned cannot be gone into, specifically, when this Court, is exercising the powers under Article 226/227 of the Constitution of India, which are supervisory in nature, until and unless, there is any perversity pointed out by the petitioner(s) in the order(s) impugned. He further submits that it is a case of abandonment of job. Finally, he submits that it is not a case of retrenchment, requiring the compliance of provisions of Section 25(g) and (h) of the ID Act.

7. This Court has heard the submissions made by learned counsel for the parties concerned, and has gone through the available record.

8. In the instant case, the facts *qua* which there is no wrangle between the parties concerned are that the petitioner(s)/workmen, were initially appointed in the year 1992, and thereafter, their services were terminated. Post termination, they approached the Labour Officer-cum-Conciliation Officer, but before such proceedings could finalize, the respondent No.2/Management, re-appointed the petitioner(s), w.e.f. 01.06.1994. Subsequently, their services were terminated on 22.12.1994. As per the termination order dated 23.12.1994 (Annexure P-4), the ground for

termination of their services were mentioned, that since the petitioner(s) have



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participated in the strike, which was declared illegal on 22.12.1994, and the essential services of cleanliness were badly affected, therefore, the services of the petitioner(s) were terminated.

9. Admittedly, the petitioner(s), in the second term, were appointed on 01.06.1994, and has worked uptill 22.12.1994. The services rendered by the petitioner(s) from the year 1992, cannot be taken into consideration, as there is a gap between the earlier service and the second appointment. Therefore, the learned Tribunal concerned, has rightly concluded that in the preceding year, the petitioner(s)/workmen, has not completed 240 days, and in that eventuality, the respondent No.2/Management, is not required to follow the provisions of Section 25(f) of the ID Act.

10. So far as, the provisions of Section 25(g) and (h) of the ID Act is concerned, the argument raised by the learned counsel for the petitioner(s), is in fact, a misplaced submission. It is admitted factual position that the petitioner was working as a 'Sweeper' with Municipal Committee, Pehowa. The services of Municipal Committee were declared to be essential services. Section 2(n) of the ID Act, defines the term '*public utility services*', which includes the work of sanitation. It is not in dispute that strike was declared illegal. After declaring it illegal, the petitioner was put to notice to re-join the services. The issuance of such notice was not disputed, therefore, his services were terminated, on account of misconduct i.e. participation in the illegal strike. Since the sanitation work of the town was affected, and the health of commoner was put to risk, in that eventuality, the Municipal Committee, Pehowa, left with no other option except to terminate the services of the petitioner(s)/workmen, specifically when the request to re-join the services

was declined by the petitioner(s). Therefore, the question of violation of



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Section 25 (g) of the ID Act, does not arise, once the petitioner(s) wer put to notice, to re-join the services, instead of participating in the illegal strike. Further, there is nothing on record, which can substantiate the claim of the petitioner(s)/workmen, that the persons, who were subsequently retained in the services, were juniors to the petitioner(s).

11. Consequently, finding no merit in the above mentioned instant writ petitions, same are accordingly **dismissed**, and the order passed by the learned Tribunal concerned, is **upheld**.

12. Photocopy of this order be placed on all the connected case files, as numbered above.

(KULDEEP TIWARI)
JUDGE

October 16, 2025
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No