

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

209

**CWP-2786-2001 (O&M)
Decided on :04.07.2025**

WORKMAN RAJESH KUMAR . .Petitioner
Versus

PRESIDING OFFICER, LABOUR COURT & OTHERS
. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. R. S. Bains, Senior Advocate
(appeared through virtual mode) with
Mr. Anmoldeep Singh, Advocate for the petitioner.

None for the respondents

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the challenge is to the impugned award dated 12.02.1998 (Annexure P-2) passed by the labour Court by which, the termination of the services of the petitioner-workman at the hands of respondents-management was upheld by the labour Court.

2. Learned counsel for the petitioner-workman argues that the services of the petitioner-workman were terminated by the respondents-company without giving the required retrenchment compensation to the petitioner-workman as is envisaged under Section 25F of the Disputes Act, 1947 (herein after referred to the 1947 Act).

3. Learned counsel for the petitioner-workman further argues that the employees juniors to the petitioner-workman were retained by the respondent-company, which action on the part of the respondent-company is causing prejudice to the petitioner-workman and has been ignored by the labour Court, hence, the impugned award dated 12.02.1998 (Annexure P-2) is contrary to the facts and evidence brought on record and the same is liable



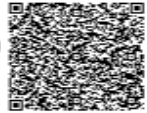
to be set-aside.

4. I have heard learned counsel for the petitioner-workman and have gone through the case file with his able assistance.

5. The first argument which has been raised by the learned senior counsel for the petitioner-workman that there has been no compliance of Section 25-F of the 1947 Act, while terminating the services of the petitioner-workman, which act on the part of the respondent-workman amounts to violation of the provisions of the 1947 Act.

6. It may be noticed that the provision of Section 25 of the 1947 Act, can only be brought into operation in case, workman has worked for a period of 240 days in the preceding 12 months prior to termination of his/her service, but in the impugned award passed in the present case, the fact which has been recorded is that the petitioner-workman had never worked for 240 days in the preceding 12 months of his termination from service as he had worked with the respondent-workman only for 222 days in whole calendar year preceding his termination. Rather total length of service of the petitioner was 221 days with respondents. That being so, the argument which is being raised by the petitioner-workman that the labour Court failed to appreciate the non-compliance of Section 25 F of the 1947 Act on part of respondent-management, is incorrect and cannot be accepted.

7. The other argument of the learned senior counsel for the petitioner-workman is that the employee junior to the petitioner-workman were retained in service and therefore, the services of the petitioner-workman could not have been terminated. The respondents have brought on record that the junior employees who were named as having been retained by respondent-management were not having the same status as the petitioner as they were appointed in the service on the compassionate basis so as to

**CWP-2786-2001 (O&M)****-3-**

compensate them as their family members who were already in the job with the respondent -department, had died while performing the duties. The statutes of compassionate appointees cannot be treated as equivalent to the petitioner-workman's who was working on the temporary basis so as to hold that compassionate appointees are employees junior to the petitioner-workman in any manner so as to claim the violation of the provisions of 1947 Act.

8. No other argument is raised by the learned counsel for the petitioner-workman.

9. Even otherwise, the Award dated 12.02.1998 (Annexure P-2) of the Labour Court can only be interfered in case the same is perverse to the facts or law. In the present case, no such perversity has been shown to this Court with the impugned Award that the same is contrary to the facts or the settled principle of law, therefore, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

10. Accordingly, the writ petition is dismissed.

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

(HARSIMRAN SINGH SETHI)
JUDGE

04.07.2025

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Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*