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

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Date of Decision :12.03.2025

Mewa Singh**...Petitioner****Versus****Industrial Tribunal-cum-Labour Court, Ambala
and others****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Ravi Malik, Advocate for the petitioner.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 09.08.2024 (Annexure P/2) passed by the Industrial Tribunal-cum-Labour Court, Ambala by which, the claim of the petitioner-workman that his services were wrongly terminated by respondents in the year 1998 despite the fact that he had completed 240 days during proceeding twelve months in service prior to the date when his services were terminated, has not been accepted by the Tribunal.

2. Hence, it is the prayer of the petitioner that the impugned order dated 09.08.2024 (Annexure P/2) be set aside along with reinstatement in the service with back wages and continuity.

2. Learned counsel for the petitioner-workman submits that the services of the petitioner-workman were terminated by the respondent-



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department in the year 1998 and as a means for redressal against the grievance caused, the petitioner-workman had approached this Court by way of filing CWP-1154-1998, which petition was disposed of by this Court on 28.01.1998 directing the respondents to decide the claim of the petitioner qua his alleged illegal termination but the claim of the petitioner was never decided and thereafter the petitioner-workman moved to the Labour Court for adjudication upon his claim by raising a reference in the year 2020.

3. Learned counsel for the petitioner-workman further submits that the contention raised by the petitioner-workman that he had completed 240 days was not controverted by the respondent-department producing any such record and therefore, the presumption as to whether petitioner-workman had worked with the respondent-department for 240 days or not should have been drawn in favour of the petitioner-workman that he had completed 240 days and as he was not granted benefit of retrenchment compensation as per Section 25-F of Industrial Disputes Act, 1947 (in short, '1947 Act'), the provisions of 1947 Act stood violated and hence, the impugned award dated 09.08.2024 (Annexure P/2) declining the claim of the petitioner-workman is liable to be set aside.

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

4. It may be noticed that the services of the petitioner-workman were terminated by respondent-department in the year 1998 and thereafter, the petitioner-workman filed a writ petition being CWP-1154-1998, which was disposed of by this Court vide order dated 28.01.1998 directing the respondents to decide upon the claim of the petitioner-workman. The



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petitioner-workman thereafter, raised no claim qua his illegal termination till 2020 i.e. for a period of 22 years from the time when he filed a reference challenging the termination of his services in the year 1998. The Labour Court vide its impugned order dated 09.08.2024 (Annexure P/2) has come to the conclusion that the respondents have correctly stated that while working with the respondents, the petitioner-workman never completed 240 days in service in any calendar year and had voluntarily left the work in the year 1995, which facts have gone unrebutted.

5. The only argument raised by the learned counsel for the petitioner-workman is that the respondents failed to produce the record so as to support their plea that the petitioner-workman had not completed 240 days in service with the respondents preceding 12 months before the termination of his services.

6. It may be noticed that the view taken by the Labour Court that the petitioner-workman approached the Labour Court after a period of 22 years from the time he filed his reference challenging his termination and the record regarding the same cannot be retained for a period of 22 years, thus, non-production of the same will not invite adverse inference against the reference rather, the delay will invite adverse inference against the petitioner-workman that he had not completed the requisite 240 days in service with the respondent-department so as to underpin his claim and prayer.

7. Keeping in view the facts and circumstances recorded hereinbefore and as no perversity has been pointed out by learned counsel for the petitioner-workman in the impugned order passed by the Labour

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Court, no interference is called for by this Court and the present petition is accordingly dismissed.

March 12, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No