



**CM-1490-CWP-2025 in/and
CWP-9999-2004** 1

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

**(109) CM-1490-CWP-2025 in/and
CWP-9999-2004
Date of Decision : February 05, 2025**

Batala Improvement Trust through its Chairman .. Petitioner

Versus

**Presiding Officer, Labour Court, Gurdaspur and another
.. Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Neeraj Yadav, Advocate, for the petitioner.

None for the respondents.

HARSIMRAN SINGH SETHI J. (ORAL)

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Present application has been filed for fixing the main writ petition at an early actual date.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed subject to all just exceptions and the main writ petition is taken up for hearing today itself.

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1. In the present writ petition, the grievance being raised by the petitioner is that vide impugned Award dated 27.01.2004 (Annexure P-1), the respondent-workman has been wrongly reinstated in service with 30% back wages.



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2. The writ petition was admitted on 12.07.2004 and the grant of the interim order was declined and the impugned Award by the Labour Court has already been implemented as the respondent-workman has been reinstated in service and he is continuing.

3. This Court is of the view that since the respondent-workman is working for the last 21 years on the basis of the Award passed by Labour Court, throwing him out at this stage will be too harsh.

4. Even otherwise, the claim raised by the petitioner before the Labour Court was that the respondent-workman has been appointed for a specific tenure for doing specific job hence, no retrenchment compensation was required to be paid even if the employee has worked for 240 days in a calender year prior to his termination.

5. It may be noticed that the said argument has been dealt with by the Labour Court wherein, the petitioner failed to point out any specific appointment qua respondent-workman giving description of the work or the specific time period for which he was appointed.

6. Learned counsel for the petitioner has not been able to rebut the findings recorded by the Labour Court to be incorrect or perverse to any evidence on record and neither has the counsel for the petitioner been able to substantiate his argument that the respondent-workman was appointed for specific job for specific period of time.

7. The Award can only be interfered in case the findings are perverse to any evidence or fact.

8. Learned counsel for the petitioner intends to re-argue the issue so as to record the finding other than the one recorded by the Tribunal,



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which is not permissible.

9. 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.

February 05, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No