



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

216

CWP-16887-2000 (O&M)**Date of Decision: 30.04.2025**

Ved Parkash

...Petitioner

Versus

Presiding Officer Industrial Tribunal-cum-Labour Court Hissar & another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhijeet Sharma, Advocate
for the petitioner.

Mr. Lokender Singh, Advocate for
Mr. Naveen Bhardwaj, Advocate
for respondent No.2.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the grievance of the petitioner is qua the award passed by the Labour Court dated 2.11.2000 (Annexure P-8) by which, the claim of the petitioner-workman that his services have been terminated in violation of the Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act') has not been accepted and the claim regarding the reinstatement along with full backwages has been rejected.

2. Learned counsel for the petitioner argued that the ground given by the Labour Court for not accepting the claim of reinstatement along with

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full backwages of the petitioner-workman is that the petitioner-workman has not been able to prove that he has worked continuously for a period of 240 days in the preceding 12 months prior to the termination of his services in January, 1998.

3. Learned counsel for the petitioner-workman submits that further, a ground has been given that respondent No.2-Sugar Mill is a seasonal mill and therefore, retrenchment will not be applicable qua respondent No.2-Sugar Mill.

4. Learned counsel for petitioner further submits that both the reasons given by the Labour Court are perverse to the material evidence, which has been brought on record. Learned counsel submits that the Ex.M-1 was placed before the Labour Court showing the details of the workman performing the duties for the period he remained in service of respondent No.2-Sugar Mill.

5. Learned counsel for the petitioner further submits that in the year 1997, the petitioner-workman had performed the duties for more than 240 days and therefore, it cannot be said that when the services of the petitioner-workman, which terminated in January, 1998, starting from January, 1997, the petitioner had not worked for 240 days. Rather, the details depicted therein, which chart has been issued by respondent No.2-Sugar Mill, the petitioner-workman has worked for more than 240 days in the 12 months preceding his termination in January 1998 and therefore, the award dated 02.11.2000 (Annexure P-8), is perverse to the evidence on record.

6. Learned counsel for the petitioner-workman further argued that

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the petitioner-workman has worked continuously with the respondent No.2-Sugar Mill and therefore, it cannot be said that the respondent No.2-Sugar Mill is a seasonal industry, so that to take a plea that the retrenchment compensation was not required to be paid by the respondent No.2-Sugar Mill. Hence, the impugned award dated 02.11.2000 (Annexure P-8), may kindly be set aside.

7. Learned counsel appearing on behalf of respondent No.2-Sugar Mill submits that the award dated 02.11.2000 (Annexure P-8), has been passed after taking into consideration the entire evidence brought on record as well as the settled principles of law, wherein, it has already been held that the respondent No.2-Sugar Mill is not governed by the provisions of retrenchment being a seasonal industry and therefore, the award dated 02.11.2000 (Annexure P-8), may kindly be upheld.

8. I have heard learned counsel for the parties and have gone through the records of this case with their able assistance.

9. The question which needs to be addressed in the present petition is whether the award dated 02.11.2000 (Annexure P-8), passed by the Labour Court is perverse to the material evidence and the facts brought on record. Attendance Register (Ex.M-1), which is appended as Annexure P-1 with the writ petition, clearly shows that the services of the petitioner were terminated in January 1998 and in the preceding 12 months i.e., upto January, 1997, the petitioner has actually worked for more than 240 days, the said fact is conceded before this Court.

10. Keeping in view, the RTI information given to the petitioner-workman as on 23rd May, 2024 is the same as Annexure P-1. That being the

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factual position, the finding recorded by the Labour Court in para 10 is incorrect. The Ex.M-1, shows that the petitioner has completed 240 days in the preceding 12 months prior to the termination in January, 1998.

11. The second question, which has been raised is whether Section 25-F of 1947 Act, will be applicable qua the respondent-Mill or not. The argument raised by the learned counsel for respondent No.2-Sugar Mill is that respondent No.2-Sugar Mill is a seasonal industry and therefore, the petitioner-workmen are only working on a seasonal basis and not throughout the year and therefore, the retrenchment compensation is not to be paid as the petitioner-workmen are relieved after the completion of a season to be appointed again in the fresh season.

12. This argument need to be tested keeping in view the facts and circumstances of the present case. It is a conceded fact that as per Ex.M-1, in the year 1997, the petitioner-workman has worked for nine months out of 12 months.

13. Further, the petitioner-workman has completed 240 days, which means one year as per the provision of 1947 Act. Once, an employee has been made to work for whole of the year, then it cannot be said that respondent No.2-Sugar Mill is a seasonal industry qua the said worker so as to do away with Section 25-F of 1947 Act. In case, an employee has completed 240 days in preceding 12 months prior to the termination, Section 25-F of 1947 Act has to be made applicable, which has not been made applicable in the facts and circumstances of the present case. Therefore, the award dated 02.11.2000 (Annexure P-8), which has been passed by the Labour Court is perverse to the provisions of 1947 Act and cannot be



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sustained and is accordingly set aside.

14. The question which arises as to what relief should be granted to the petitioner-workman. A bare perusal attendance record of (Annexure P-1) would show that except for the year 1997, the petitioner-workman has not worked for more than 4 to 5 months in any of the previous years, in which he has worked.

15. Keeping in view the totality of the circumstances, the benefit of reinstatement alongwith full backwages cannot be granted to the petitioner-workman and only the compensation can be granted so as to balance the non adherence of Section 25-F of 1947 Act at the time of terminating the services of the petitioner-workman in the year 1998. The interest of justice will be achieved, in case a sum of Rs.2,00,000/- is paid as full and final settlement to the petitioner-workman by way of compensation. Let the compensation be released to the petitioner-workman within a period of eight weeks from the date of the receipt of certified copy of this order failing which, the petitioner-workman will also be entitled for the interest at 6% per annum on the said amount of Rs.2,00,000/- from the date of award i.e. 02.11.2000 till the actual date of payment.

16. Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

April 30, 2025

Nisha-1

Whether speaking/reasoned	Yes
Whether reportable	No