



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

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**CWP-9293-2025 (O&M)
Decided on :01.04.2025**

RAMESH KUMAR

. .Petitioner

PRESIDING OFFICER INDUSTRIAL TRIBUNAL PATIALA AND
OTHER

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Ravi Gakhar, Advocate for the petitioner.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the challenge is to the impugned award dated 13.07.2022 (Annexure P-1) passed by the Labour Court by which, the claim raised by the petitioner that his services has wrongly been terminated by the respondent-school, has not been accepted by the Labour Court. Hence, it is the prayer of the petitioner that the impugned order dated 19.07.2022 (Annexure P-1) be set-aside and he be reinstated in service alongwith full back-wages.

2. Learned counsel for the petitioner submits that by picking on certain deposition from the cross examination of the petitioner, the finding has been recorded by the Labour Court while passing the order impugned to the effect that the petitioner had approached the Labour Court with the wrong plea that his services were terminated on 29.09.2015 by the respondent -school whereas, as per the testimony of the petitioner, it was conceded that after 31.03.2014, the petitioner had never performed the duties with the respondent-institution.

3. Learned counsel for the petitioner submits that the statement of



the petitioner in his testimony should have been read in continuity by the Labour Court rather than picking up certain lines from the statement of the petitioner. Learned counsel for the petitioner further submits that the petitioner had worked upto 29.09.2015 with the respondent-school as a chowkidar and therefore, he is entitled for the benefit envisaged under the provisions of Industrial Disputes Act, 1947 (herein after referred to 1947 Act) as the petitioner was not given the benefit of Section 25 (F) of the 1947 Act despite completing 240 days in service with respondent-school in a whole calendar year .

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

5. It is a conceded position that the petitioner has raised a claim that his services were wrongly terminated by respondent-school on 29.09.2015. A bare perusal of the testimony of the petitioner would show that the petitioner himself conceded in his testimony that he never went to perform his duty the respondent-school after 31.03.2014. It has been further conceded by the petitioner therein that he had already received the salary and arrears upto 31.03.2014 for the duties he performed with respondent-school. That being a conceded position, it cannot be said that the petitioner had worked upto 29.09.2015 as a chowkidar with the respondent-school and the findings recorded by the Labour Court that the petitioner had only worked upto 31.03.2014 with the respondent-school needs no interference at the hands of this Court.

6. The further arguments of the learned counsel for the petitioner is that the petitioner has completed 240 days in service with the respondent-school in preceding 12 months prior to the date of his termination of service. On being asked to prove the said assertion put forth by him on the basis of



record produced before the Labour Court, learned counsel for the petitioner has not been able to substantiate the same.

7. At this stage, learned counsel for the petitioner submits that an application was moved by the petitioner to produce the relevant evidence before the labour Court which application of the petitioner was never decided by the Labour Court. In this regard, nothing has come on record to show that any such application was moved by the petitioner for placing on record the relevant evidence so as to prove that the assertion of the petitioner that he had worked for 240 days in service with respondent-school in preceding 12 months prior to the date of his termination from the service i.e. on 31.03.2014.

8. At this stage, learned counsel for the petitioner submits that the present petition may kindly be disposed of having been not pressed any further with liberty to the petitioner to approach the Tribunal so as to raise the grievance that the application seeking production of record moved by the petitioner was not decided upon before passing the impugned award dated 13.07.2022 (Annexure P-1).

9. Ordered accordingly.

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

(HARSIMRAN SINGH SETHI)
JUDGE

01.04.2025

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Whether speaking/reasoned: Yes/~~No~~

Whether Reportable: ~~Yes~~/No