

CM-12784-CWP-2024 in/and
CWP-14764-2006 (O&M) 1

2025:PHHC:013138



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106)

CM-12784-CWP-2024 in/and
CWP-14764-2006 (O&M)
Date of Decision : 29.01.2025

Jagdish

...Petitioner

Versus

The Presiding Officer, Labour Court-II, Faridabad and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.S. Maanipur, Advocate for the petitioner.

Mr. Raman Sharma, Advocate for respondents No. 2 and 3.

Harsimran Singh Sethi J. (Oral)

CM-12784-CWP-2024

Present application has been filed for fixing the writ petition to an early actual date of hearing.

Notice of the application to the counsel opposite.

Mr. Raman Sharma, Advocate, who is present in Court, accepts notice on behalf of respondents No. 2 and 3 and raises no objection for the grant of prayer as raised in the present application.

Keeping in view the above, application is allowed.

On the joint request of learned counsel for the parties, the writ petition is taken up for hearing today.

CWP-14764-2006 (O & M)

1. In the present petition, the grievance being raised by the petitioner is that the record was not produced so as to show the actual working of the petitioner so as to complete 240 days.

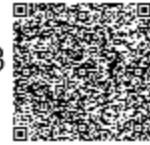


2. Learned counsel for the petitioner submits that the petitioner had produced a photocopy of the log book but the same was not considered by the Tribunal while holding that the petitioner failed to prove the working of 240 days so as to get the benefit of Section 25F of the Industrial Disputes Act, 1947 in order to treat retrenchment of the petitioner illegal.

3. Learned counsel appearing on behalf of the respondent submits that the detail of the Officers under whom the petitioner was working, was brought on record and their statement has been recorded and concededly, the petitioner has already worked in Ward Nos. 21 and 14 and both the Officers who were supervising the said Wards, have given the statement giving the number of days, the petitioner worked under them and the total number of days came to 173 and even the details of each month where the petitioner performed the duties was also brought on record and after appreciating all the facts, the Tribunal recorded the finding that the petitioner has failed to prove that he had worked for 240 days so as to claim the benefit of Section 25F of the Industrial Disputes Act, 1947.

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

5. Keeping in view the evidence, which had come on record, the grievance of the petitioner is that the photocopy of the log book which the petitioner brought before the Court, was not taken into consideration to adjudge whether the petitioner had completed 240 days. The photocopy of the log book which was produced, was not signed by the Officers concerned so as to give any benefit to the same whereas, the Muster Rolls, according to which the payments were paid, were brought before the Court and the



statement of the Officers concerned under whom the petitioner worked was recorded and a finding has been recorded giving the details of the number of days worked by the petitioner in a particular month during the service period, according to which, he had only worked for 173 days.

6. Once, the record being relied by the petitioner was not signed by the Officers concerned and the photocopy was being produced, the same has rightly not been considered by the Labour Court. Once, the Muster Rolls were produced and the statement of the Officers recorded is on record and the details of number of days worked in each month of service rendered by the petitioner was also presented before the Court which has been taken into consideration while passing the Award, it cannot be said that there was any unfair labour practice or any record was withheld to deny any benefit to the petitioner.

7. The perversity has not been shown in the findings recorded by the Labour Court qua the number of days worked by the petitioner in his service career will respondent-department

8. Keeping in view the above, no ground is made out for any interference by this Court in the present petition.

9. Dismissed.

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

January 29, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No