



**CM-15260-CWP-2024 in/and
CWP-11025-2022 (O&M) & connected cases 1**

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

**(109+204) CM-15260-CWP-2024 in/and
CWP-11025-2022 (O&M)
Date of Decision : January 22, 2025**

**The Ladwa Cooperative Marketing cum Processing Society Ltd
and another .. Petitioners**

Versus

**Presiding Officer, Industrial Tribunal cum Labour Court, Ambala
and another .. Respondents**

(2) CWP-11034-2022 (O&M)

**The Ladwa Cooperative Marketing cum Processing Society Ltd
and another .. Petitioners**

Versus

**Presiding Officer, Industrial Tribunal cum Labour Court, Ambala
and another .. Respondents**

(3) CWP-11161-2022 (O&M)

**The Ladwa Cooperative Marketing cum Processing Society Ltd and
another .. Petitioners**

Versus

**Presiding Officer, Industrial Tribunal cum Labour Court, Ambala
and another .. Respondents**



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CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep K. Sharma, Advocate, for the petitioners.
(in all petitions)

Mr. Kuldeep Singh, Advocate, for the applicants.
(in all petitions).

Mr. Raghav Sharma, Advocate, for
Mr. Ajay Pal Singh Dhillon, Advocate, for respondent No.2
in CWP-11025-2022.

Mr. Anmol Partap Singh Mann, Advocate, with
Mr. Navjot Singh Sidhu, Advocate, for respondent No.2
in CWP-11034-2022.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-15260-CWP-2024 in CWP-11025-2022

As prayed for, the application is allowed.

Reply filed on behalf of respondent No.2 is taken on record.

CM-20302-CWP-2022 in CWP-11025-2022

CM-20303-CWP-2022 in CWP-11034-2022

CM-20280-CWP-2022 in CWP-11161-2022

Present applications have been filed by the member of the
petitioners-Society that he should be impleaded as party and be heard.

Notice of the applications to the counsel opposite.

Mr. Sandeep K. Sharma, Advocate, accepts notice on behalf of
the petitioners, Mr. Raghav Sharma, Advocate, accepts notice on behalf of
respondent No.2 in CWP-11025-2022 and Mr. Anmol Partap Singh Mann,
Advocate, accepts notice on behalf of respondent No.2 in CWP-11034-
2022.

Learned counsel for the respondents submits that once the
Society is the petitioner and the applicant is only the member of the Society,



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he cannot be heard separately, once the Society is contesting the award.

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

Once, the petitioner-Society has already filed a writ petition and is challenging the Award, any member of the Society does not have an independent right to approach so as to be heard over and above the Society. Hence, keeping in view the facts and circumstances of the present applications, applicant is neither the necessary party nor proper party to be impleaded in the present petitions.

No ground is made out is made out for any interference by this Court in the present applications.

CMs stand dismissed.

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1. By this common order, three writ petitions, the details of which have been given in the heading, are being disposed of as all these petitions involve the same question of law on similar facts.

2. In the present writ petitions, the challenge is to the Award dated 14.01.2022 (Annexure P-3) passed by the Industrial Tribunal-cum Labour Court, Ambala vide which the learned Labour Court allowed the claim of workmen under the Industrial Disputes Act, 1947 (hereinafter referred as '1947 Act').

3. Learned counsel for the petitioners-Society argues that the services of the respondent No.2-Workman were terminated in June 2014, which was challenged and the said termination has been held to be bad and the employee has been reinstated along with the full back wages.



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4. Learned counsel for the petitioners-Society submits that no finding has been recorded that the respondent No.2-Workman had completed 240 days hence, the Award dated 14.01.2022 (Annexure P-3) is bad as without recording the said fact, violation of Section 25-F of the 1947 Act could not have been invoked so as to grant the relief to the respondent No.2-Workman.

5. Learned counsel for the respondent No.2-Workman further submits that he was appointed after the posts were duly advertised in the newspaper on 22.09.2013 and they were appointed on contract basis on 10.10.2013 but in June, 2014, their services were terminated, against which action, a petition was filed before the Deputy Registrar, Cooperative Society, Kurukshetra.

6. Learned counsel for the respondent No.2-Workman further submits that the Deputy Registrar Cooperative Society, Kurukshetra vide order dated 14.03.2017 set aside the order terminating the services of the Workman against which, an appeal was preferred by the petitioners before the Additional Registrar (Store) Cooperative Society, Haryana, which appeal was also dismissed on 09.09.2019 and the respondent No.2 was allowed to join the service of petitioner No.1 on 14.09.2019 but again, on 13.11.2019, the services were again terminated, which termination was made the subject matter before the Labour Court and the Labour Court rightly held that the services were wrongly terminated on 13.11.2019 hence, the writ petitions filed by the petitioners may kindly be dismissed as the Award dated 14.01.2022 (Annexure P-3) is perfectly valid and legal.



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

8. The only argument which has been raised by the learned counsel for the petitioners is that without there being any finding that the respondent No.2-Workman had completed 240 days before his services were terminated on 13.11.2019, the violation of Section 25 of the 1947 Act could not have been invoked by the Labour Court hence, reinstating the respondent No.2-Workman along with full back wages, is liable to be set aside.

9. Qua the said argument, it may be noticed that the Workman was appointed after due advertisement dated 22.09.2013 and being selected on 10.10.2013. The Workman was initially appointed for six months on contractual basis. The Workman continued upto June 2014 and his services were terminated, which termination was set aside by the Deputy Registrar Cooperative Society on 14.03.2017 and even the appeal filed by the petitioner before the Additional Registrar Cooperative Society was dismissed on 09.09.2019 and ultimately, the petitioners were reinstated on 14.09.2019.

10. Once, the order terminating the services of the respondent No.2-Workman passed in June, 2014 was set aside and the petitioners were directed to be reinstated and they were actually reinstated on 14.09.2019, they were deemed to be in service for all intents and purpose from their initial date of appointment i.e. 10.10.2013.

11. Once, the reinstatement order was complied with by the petitioners, it is deemed that the respondent No.2-Workman was in



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continuous appointment starting from 10.10.2013 till the date their services were again terminated on 13.11.2019 hence, once the said period is to be taken into account, the respondent No.2-Workman has completed 240 days.

12. Learned counsel for the petitioners has further not been able to rebut that the respondent No.2-Workman was appointed on 10.10.2013. Further, it is the case of the petitioners that the services of workman were terminated in June, 2014. Eight months of service was already there for the respondent No.2-Workman even at the time of termination in June, 2014 hence, on being asked to rebut the fact that the employee has not worked for 240 days even when his services were initially terminated in June, 2014, nothing has been brought to the notice of this Court to rebut that even at that time, 240 days were completed by the Workman-respondent No.2.

13. Keeping in view the above, the argument that the respondent No.2-Workman has not completed 240 days so as to be entitled for the benefit of reinstatement in terms of the Award dated 14.01.2022 (Annexure P-3) given, cannot be accepted.

14. No other argument was raised.

15. Keeping in view the above, no ground is made out for any interference by this Court in the present bunch of petitions.

16. Accordingly, the writ petitions are dismissed.

17. Civil miscellaneous application pending if any, also stands disposed of.



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18. A photocopy of this order be placed on the file of other connected cases.

January 22, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No