



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

213

**CM-1031-CWP-2020 in/and
CWP-16304-2009 (O&M)
Decided on :30.07.2025**

SAMUNDER SINGH

. .Petitioner

Versus

CHIEF CONSERVATOR OF FOREST HARYANA AND ORS

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Jatin Kaushik, Advocate for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

HARSIMRAN SINGH SETHI , J. (Oral)
CM-1031-CWP-2020

The present application has been filed by the applicant-petitioner for fixing the actual date of hearing of the present writ petition i.e. CWP No. 16304-2009.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed. Consequently, on the joint request of both the parties, the main writ petition is taken up for hearing today itself for final decision.

CWP-16304-2009

1. In the present petition, the challenge is to the impugned award dated 08.05.2008 (Annexure P-6) by which, the claim raised by the petitioner that his services have wrongly been terminated by the respondent-department being in violation of provisions of the Industrial Disputes Act, 1947 (hereinafter referred to 1947 Act), has been rejected by the Labour



Court, which is causing prejudice to the petitioner.

2. Learned counsel for the petitioner-workman submits that the claim of the petitioner has been rejected by the labour Court without taking into consideration the evidence which has come on record with regard to the number of days, the petitioner-workman has rendered his services with the respondents-department, rather the findings recorded by the labour Court while passing the impugned award are perverse to the evidence and facts available on record.

3. Learned counsel for the petitioner-workman further submits that as per the statement of one Bhoop Singh (Annexure P-4), who appeared on behalf of the respondent -department, has clearly stated that the petitioner-workman had worked with the respondent-department in the months of 10/2000, 12/2000, 02/2001, 04/2001, 07/2001 and thereafter, with regard to the period starting from 01.01.2003 to 31.12.2003, a statement has also been made by one Suraj Parkash (Annexure P-5), wherein he has mentioned that the minimum wages required to be paid for the said period has been paid to the petitioner. Hence, the view taken by the labour Court in the light of these evidence that the petitioner has not completed 240 days in service in the preceding 12 months prior to the date of his termination, is incorrect and perverse to the facts and evidence on record.

4. Learned counsel for the respondents submits that the petitioner-workman claimed that his services were initially terminated in the year 2003, but there was no record available for the said period and therefore, the findings which have been recorded by the labour Court, is based upon the facts and evidence available on record and the statement of Bhoop Singh with regard to the working of the petitioner-workman in the months of



**CM-1031-CWP-2020 in/and
CWP-16304-2009 (O&M)**

-3-

10/2000, 12/2000, 02/2001, 04/2001, 07/2000 is not relevant, hence, the impugned award dated 08.05.2008 (Annexure P-6) is liable to be upheld.

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

7. As per the petitioner-workman, he had worked with the respondents-department upto 01.12.2003. As per Annexure P-5 which is the statement of one Suraj Parkash working in the office of Labour -cum- Conciliation officer, he has stated that one Divisional Officer Yogesh Kumar appeared before the Labour -cum-Conciliation officer and made a statement on 21.07.2004 that the petitioner-workman has been paid the salary for the period starting from 01.01.2003 to 31.12.2003. That being so, the said period for which salary has been paid to the petitioner is more than 240 days, which crucial evidence has not been taken into account by the Labour Court while passing the impugned award s dated 08.05.2008 (Annexure P-6).

8. Though the said statement made by one Suraj Parkash needs to be corroborated, but the efforts were not made by the labour Court to find out the reality that upto which date, the petitioner-workman had worked with respondents-department. Rather, in paragraph No. 11 of the impugned award dated 08.05.2008 (Annexure P-6), it has been mentioned that the petitioner did not work with the respondents-department in the months of October, 2000 and December, 2000 whereas, as per the statement of Bhoop Singh (Annexure P-4), the petitioner-workman has worked with the respondent-department continuously in the month of October, 2000 and December, 2000, therefore, there is a contradiction between the findings recorded by the labour Court and the evidence which has come on record, hence, it can be safely said that the impugned award dated 08.05.2008



**CM-1031-CWP-2020 in/and
CWP-16304-2009 (O&M)**

-4-

(Annexure P-6) is perverse to the facts and evidence available on record.

9. Learned counsel for the respondents has not been able to rebut the said fact that there is a contradiction between the findings recorded by the Labour Court and the evidence brought on record.

10. Keeping in view the totality of facts and circumstances of the present case, the impugned award dated 08.05.2008 (Annexure P-6) is hereby set-aside and the present case is remanded back to the labour Court for afresh adjudication of the case on the basis of the facts and evidence available on record and to record the findings as to whether, the petitioner-workman has worked with the respondent-department for 240 days in the preceding 12 months prior to the date of termination of his services or not.

11. Both the parties are directed to appear before the Labour Court on 27.08.2025.

12. The labour Court is requested to decide the issue pending between the parties within the period of six months from the date of first hearing fixed before the labour Court i.e. 27.08.2025.

13. The present petition is disposed of in above terms.

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

**(HARSIMRAN SINGH SETHI)
JUDGE**

30.07.2025

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No