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AT CHANDIGARH

CWP-12932-2012

Date of Decision : July 22, 2025

Child Development Project Officer, Meham (Rohtak) .. Petitioner

Versus

**The Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak
and another .. Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naveen Singh Panwar, Deputy Advocate General,
Haryana.

Mr. Sandeep Singal, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the Award dated 02.01.2012 (Annexure P-6) passed by the Labour Court wherein, the Labour Court has recorded a finding that the respondent No.2-workman has worked for a period of 240 days in service in 12 months preceding termination so as to entitle him the benefit of retrenchment compensation which was not paid and holding that the termination is bad and ultimately awarding reinstatement alongwith 50% back wages.

2. Learned counsel for the petitioner-State submits that no finding has been recorded by the Labour Court as to how the respondent No.2-workman has completed 240 days in preceding 12 months prior to the date of termination and nothing has come on record as to what is the date of termination.



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3. Learned counsel for the petitioner-State further submits that as no finding has been recorded by the Labour Court as to what is the date of termination of the services of the petitioner, a finding recorded that the respondent No.2-workman has completed 240 days in preceding 12 months before termination so as to be entitle him for the benefit under Section 25-F of the Industrial Disputes Act, 1947, is incorrect.

4. Learned counsel appearing on behalf of respondent No.2-workman submits that keeping in view the averments made in paragraph 8 of the Award, witness WW-2 had brought the record and a finding has been recorded on the basis of the said record hence, the Award dated 02.01.2012 (Annexure P-6) is perfectly valid and legal.

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

6. The respondent No.2-workman claims that his services have been terminated in September, 2004. That being so, 12 months period prior to termination is to be taken from September 2004 backwards however, in case the same is done, the record which is being relied upon brought by WW-2 Krishan Kumar, does not help the respondent No.2-workman so as to complete 240 days.

7. The first issue which needs to be decided is what is date the alleged termination of services so as to find out whether the respondent No.2-workman had worked for 240 days in 12 months preceding termination which fact cannot be established from the impugned Award.

8. Keeping in view the totality of the circumstances as the Award is silent on the said aspect, the Award dated 02.01.2012 (Annexure P-6) is

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set aside. The case is remanded back to the Tribunal to decide afresh on the basis of the evidence already brought on record firstly, as to what is the alleged date of termination of the respondent No.2-workman and whether from the said date, keeping in view the evidence brought on record, the respondent No.2-workman completed 240 days in service in 12 months preceding termination so as to claim the benefit under Section 25-F of the Industrial Disputes Act, 1947. Let the fresh award be passed within a period of four months from the date first hearing takes place before the Labour Court.

9. The present writ petition is allowed in above terms.

10. Parties are directed to appear before the Labour Court on 19.08.2025.

July 22, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No