



CWP-11996-2015 & connected cases 1

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

(237) CWP-11996-2015
Date of Decision : August 05, 2025

Municipal Council, Abohar, District Fazilka and another
.. Petitioners

Versus

Mukh Ram and others **.. Respondents**

(2) CWP-12010-2015

Municipal Council, Abohar, District Fazilka and another
.. Petitioners

Versus

Lekh Raj and others **.. Respondents**

(3) CWP-14132-2015

Municipal Council, Abohar, District Fazilka and another
.. Petitioners

Versus

Pargat Singh and others **.. Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Khunger, Advocate and
Mr. Saksham Khunger, Advocate, for the petitioners
in all writ petitions.

Mr. Arshnoor Singh, Advocate, for respondent No.1.

Mr. Kanav Singla, AAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, three writ petitions, the details of which

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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 bunch of writ petitions, the challenge is to the Award dated 02.04.2014 (Annexure P-10) passed by the Labour Court by which after holding that the termination of the services of the respondent-workmen were in contravention of the provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act') rather than granting the benefit of reinstatement in service, a compensation of Rs.1,25,000/- has been directed to be paid along with 6% interest.

3. Learned counsel appearing on behalf of the petitioners argues that in the present case, nothing has come on record qua contravention of provisions of 1947 Act as the respondents-employees have not been able to prove that they had worked for 240 days continuously in a calendar year preceding their termination even being on contractual basis and therefore, recording of such a finding that Section 25-F of the 1947 Act was required to be complied with, which provision has not been complied with by the petitioners, is incorrect hence, the impugned Award dated 02.04.2014 (Annexure P-10) may kindly be set aside.

3. Learned counsel for the respondent-workmen submits that as per the data given by the respondents themselves in paragraph 6 of the writ petition, the number of days respondent-workman has rendered service has been stipulated, wherein, for the period starting from 16.01.2007 till 16.07.2008, the respondent-workmen have been stated to be continuously working, which shows that required criteria of completing 240 days in service in a calendar year preceding termination has been fulfilled so as to avail the benefit of 1947 Act.



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4. Learned counsel for the respondent-workmen further submits that once the petitioners are conceding the said fact even in the writ petition, the challenge to the finding recorded by the Labour Court that the respondent-workmen have fulfilled the criteria of 240 days in service prior to the date of their termination of services and that Section 25-F of the 1947 Act was not complied with, is incorrect and frivolous.

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

6. Once, the master and servant relationship with the respondent-workmen has been accepted by the petitioners, the onus is on the petitioners to point out as to for what period the respondent-workmen have rendered their duties in case, any objection is taken qua the fact that the respondent-workmen have not completed 240 days in service in a calender year prior to termination.

7. Further, in the writ petition, in paragraph 6, the following chart has been given qua the service period of the respondent-workmen which is reproduced hereunder for the ready reference.

Office Order No.	Date	Date of Joining	Date of relieving
11	19.04.2005	19.04.2005	18.10.2005
87	31.10.2005	01.11.2005	10.01.2007
36	11.07.2006	11.07.2006	10.01.2007
89	16.01.2007	16.01.2007	15.07.2007
59	13.07.2007	16.07.2007	15.01.2008
9	17.01.2008	17.01.2008	16.07.2008

8. A bare perusal of the above chart would show that the respondent-workmen starting from 16.01.2007 worked in service upto 16.07.2008, which shows that the service period of respondent-workmen in a preceding year prior to termination period is concededly more than 240 days.

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9. Nothing has been brought on record to show the Court that during this period the respondent-workmen remained absent or did not perform the duties. No such evidence brought on record has been shown to this Court to challenge the findings of the Labour Court that the respondent-workmen never completed 240 days in service in the preceding 12 months prior to the passing of the order of termination.

10. No other argument was raised.

11. Keeping in view the totality of the circumstances, as no perversity has been pointed out by the learned counsel for the petitioners in the impugned Award dated 02.04.2014 (Annexure P-10) qua the facts and evidence brought on record, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

12. Accordingly, the writ petitions are dismissed.

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

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

August 05, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No