



CWP-11260-2016

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

(241)

CWP-11260-2016

Date of Decision : 09.12.2025

Satpal

...Petitioner

Versus

Presiding Officer, Labour Court,
Ambala and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARIPresent: Mr. Aman Nain, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

KULDEEP TIWARI, J.(ORAL)

1. The petitioner/workman, fetching grievance from the award dated 30.07.2015 (Annexure P-4), passed by the learned Tribunal concerned, wherethrough, reference was answered against the petitioner/workman, has filed the instant writ petition, cast under Article 226/227 of the Constitution of India.

2. Learned counsel for the petitioner, while referring to the statement of Ram Kumar, Forester (MW-2), who stepped into the witness box as Management's witness, has submitted that he (MW-2) admitted that no information or any letter, informing the petitioner that he was appointed under the MGNREGA scheme was ever issued to him, and therefore, once it is a specific admission, this part of cross-examination should have been given a due weightage by the learned Tribunal concerned. He further placed reliance upon the judgment passed by this Court in **CWP-18779-2012**, titled '*The*



Executive Engineer, Water Services Division, Binjhol, Panipat versus Sanjay Kumar and another' decided on 23.08.2013 (Annexure P-8), to submit that since the relevant record has not been produced, therefore, adverse inference shall be taken against the Management, and the petitioner/workman shall be discharged from his liability to prove that he has worked for 240 days, in the preceding year.

3. Learned counsel for the respondent/Management submits that this Court needs not to go into the re-appreciation of the facts, by invoking writ jurisdiction, as there is no perversity or illegality, in the impugned award. He submits that it is a clear cut case where the petitioner was appointed under a specific scheme, i.e. Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), and he has failed to establish that he has continuously worked for 240 days, in the preceding year, and the payment for his services was duly credited in his account, and a document was placed on record, in this regard, as Exh.M-2.

4. Before embarking upon the submissions made by the learned counsel for the parties concerned, it is imperative to have a glimpse upon the facts of the instant matter.

5. The petitioner/workman filed a claim statement, stating therein, that he was appointed on 01.04.2004, by the respondent/Management, for doing the work of plantation, and he performed his duties till 31.05.2013, when his services were terminated in violation of the provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter to be referred as 'the ID Act'). It is further alleged that the respondent/Management, has retained the junior most persons, therefore, the petitioner/workman has a good case for re-instatement, on account of infraction of the provisions of Section 25-G of the



ID Act.

6. The claim statement was subsequently sent to the learned Labour Court concerned, under Section 10 (1) (c) of the ID Act. The respondent/Management filed a written statement raising preliminary objections, to the effect, that the petitioner/workman never completed 240 days, in preceding year of his termination. In fact, he worked under the scheme Mahatma Gandhi National Rural Employment Guarantee Act (for short 'MGNREGA'), only for 117 days in the year 2008, 37 days in the year 2009, and 41 days in the year 2010, and thereafter, no work was done by the petitioner/workman, under the aforesaid scheme. It is further submitted by filing a written statement by the respondent/Management, to the effect, that muster rolls were used only under the MGNREGA Scheme, w.e.f. 02.08.2007, which remained in force till November, 2010, and thereafter, no work of any kind was got done under the aforesaid scheme, which was financed by the Central Government.

7. Both the parties led their respective evidence, and the learned Tribunal concerned, answered the reference against the petitioner/workman, with the observations that he has failed to establish that he worked for 240 days in the preceding year, before termination of his services.

8. From the evidence, it transpires that the petitioner/workman, worked under the MGNREGA Scheme, w.e.f. 02.08.2007, which remained in force till November, 2010, and as per the record of the respondent/Management, he worked only for 117 days in the year 2008, 37 days in the year 2009, and 41 days in the year 2010, and the requisite payment in lieu of the work done by him, was duly credited in his account, as shown in the document Exh.M-2. The petitioner/workman, nowhere was able to



produce any positive evidence, or made any efforts to establish that he worked either before 2007, or after 2010. In the absence of any such evidence, or efforts made by the petitioner/workman, to establish that he worked for 240 days in the preceding year, the learned Tribunal has rightly answered the reference against the petitioner/workman. The factual findings recorded by the learned Tribunal concerned, does not suffer from any perversity or illegality, which requires any interference of this Court, while exercising its supervisory powers, envisaged under Article 227 of the Constitution of India.

9. In summa, the instant writ petition is **dismissed** being devoid of merits.

(KULDEEP TIWARI)
JUDGE

December 09, 2025
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No