

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

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CWP-14601-2014

Date of Decision :10.02.2025

M/s Oberoi Construction

...Petitioner

Versus

Girijesh Vishwkarma and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.S. Cooner, Advocate with
Mr. Vikrant Cooner, Advocate for the petitioner.

Mr. Kushwant Saharan, Advocate with
Ms. Supriya, Advocate for respondent No.1

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Harsimran Singh Sethi, J. (Oral)

1. Learned counsel for the petitioner submits that the respondent-Workman had not completed 240 days which is a condition requisite to claim the retrenchment compensation in terms of the provisions of the Industrial Dispute Act, 1947, which fact has been ignored by the Labour Court while passing impugned award dated 31.03.2014 (Annexure P/1) wherein, a sum of Rs.30,000./- has been awarded as compensation in favour of the respondent-Workman.

2. Learned counsel for the petitioner further submits that respondent-Workman was appointed in September, 2009 and his services were dispensed with in January, 2010 and hence, he had not completed 240 days, which fact is clear from the demand notice dated 22.11.2010 (Annexure P/2) itself; this fact has been conceded by the Workman which has been ignored by the Labour Court to hold that the services of the respondent-Workman were terminated in June, 2010 so as to now the

Workman completed 240 days in service.

3. Upon notice of motion, the respondent-Workmen appeared and conceded the fact that as per the demand notice dated 22.11.2010 (Annexure P/2), the respondent-Workman had only worked from September 2009 to January 2010 hence, he has not completed 240 days in service in twelve months preceding his termination.

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

5. Once, this fact comes as an undisputed one that the respondent-Workman has not completed 240 days as per his own demand notice, the relief granted by the Labour Court by treating the termination of service was done in June, 2010 instead of January, 2010 is contrary to the facts. The impugned order passed by the Labour Court is perverse to the facts as the benefit has been given by treating that the service of the respondent-Workman terminated in June, 2010 instead of January, 2010. Once, it was a conceded fact that the respondent-Workman has not completed 240 days, the claim of retrenchment compensation was not admissible and relief has wrongly been granted by the Labour Court in favour of the respondent-Workman, which award dated 31.03.2014 (Annexure P/1) is accordingly set aside and the writ petition is allowed.

February 10, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No