



CWP-20890-2015

:1:

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

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**CWP-20890-2015 (O&M)
Date of decision : 17.01.2025**

KARAMBIR SINGH (NOW DECEASED) THROUGH LRS
..... Petitioner

VERSUS

**PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT II, CHANDIGARH AND ORS**
..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Ms. Seenu Ravesh, Advocate for
Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Pranav Chadha, Advocate
for respondents No.2 and 3.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the petitioner had worked from 13.01.1987 to 31.12.1987 in the office of respondent No.2 and had completed more than 240 days and therefore, the petitioner is entitled for the benefit of retrenchment compensation and in the present case, Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act') has not been complied with and therefore, the petitioner was entitled for the benefit but, the said claim has been only dismissed vide order dated 17.04.2015 (Annexure P-5) on the ground that the claim has been raised after 13 years

and no relief can be granted. Hence, once there is a violation of 1947 Act,

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the petitioner is entitled for the grant of benefit.

2. Learned counsel appearing on behalf of respondents does not dispute the fact that the petitioner worked from 13.01.1987 till 31.12.1987 but submits that the petitioner was appointed on daily wage basis for specific work and on the completion of the work, his services automatically came to an end hence, the petitioner is not entitled for the protection under 1947 Act and therefore, the order dated 17.04.2015 (Annexure P-5) passed by the Labour Court, Chandigarh impugned in the present petition is perfectly valid and legal.

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

4. The factual averment that the petitioner completed a period of 240 days prior to the date his services were terminated is not in dispute. The claim of the petitioner has only been rejected on the ground that the claim was raised after 13 years and further that he was engaged on a daily wage for a specific work and on completion of the work, his services stand terminated.

5. Learned counsel for the respondents was directed to point out the evidence qua specific appointment of the petitioner and that the same was for a specific purpose and for a specific period so that, the findings of the Tribunal could be upheld but learned counsel for the respondents has not been able to point out that the appointment of the petitioner was specific and for a limited period and after the completion of the term, his services had been terminated so as to avoid applying of 1947 Act, the appointment of the

petitioner, nothing has been brought on record that the appointment of the

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petitioner was for a specific term which came to an end on 31.12.1987.

6. Once, the petitioner had completed 240 days in the preceding year, Section 25-F of 1947 Act was liable to be complied with, which concededly was not complied with.

7. Further, the argument that the claim was raised after a period of 13 years, the same can be taken into consideration by granting the appropriate relief to the petitioner but the same could not be a ground to oust the petitioner from consideration with regard to the claim especially when, the petitioner is an uneducated man and he never knew his entitlements qua the service rendered.

8. Keeping in view the above, the present award dated 17.04.2015 (Annexure P-5) is *set aside*. As the petitioner has already passed away and he had only worked for a period of one year only with the respondent, it will be in the interest of justice that rather than reinstating him, let the respondents pay him Rs.25,000/- within 8 weeks from receipt of certified copy of this order as compensation keeping in view illegal termination of his services.

9. Present petition is disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

17.01.2025

Rimpal

Whether speaking/reasoned
Whether Reportable :

Yes
No