



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(238)

CWP No. 28268 of 2013 (O&M)

Date of Decision : 05.03.2025

Jai Parkash

...Petitioner

Versus

M/s XPRO India Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ravinder Malik, Advocate for the petitioner.

Mr. P.K. Mutneja, Senior Advocate with
Mr. Viranjeet Singh Mahal, Advocate and
Mr. Suverna Mutneja, Advocate for respondent No. 1.

Mr. Anil Shukla, Advocate for respondent No. 3.

Harsimran Singh Sethi J. (Oral)

1. Learned counsel for the petitioner argues that the prayer of the petitioner that his services have been terminated without complying with the provisions of the Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act') has been declined by the Labour Court vide order dated 19.06.2012 (Annexure P-3). Learned counsel for the petitioner submits that as the petitioner had met with an accident while working with the respondents, hence, the petitioner should have been treated in an exceptional manner so as to grant him the benefit of retrenchment compensation, even though the petitioner had not completed 240 days in preceding 12 months with the respondents. Learned counsel submits that the respondents be directed to grant the retrenchment compensation to the petitioner in



accordance with the provisions applicable while keeping in view the service rendered by him to the respondents.

2. Learned Senior counsel appearing on behalf of the respondent-Institution submits that the violation of 1947 Act can only be alleged in case, the employee is covered by the provisions of 1947 Act and in the present case, as the petitioner has failed to prove that he had worked for a total of 240 days in preceding 12 months prior to his termination with the respondents, thus, there cannot be any violation of any provisions of 1947 Act and, therefore, the Award passed by the Tribunal dated 19.06.2012 (Annexure P-3) is perfectly valid and legal.

3. Learned counsel appearing on behalf of respondent No. 3 submits that for the injury suffered by the petitioner while working with the respondent, the petitioner has already been compensated which compensation, has already been received by him.

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

5. In order to get the relief qua termination, the violation of provisions of 1947 Act have to be pleaded and proved. In the present case, the claim of the petitioner is that the retrenchment compensation as is envisaged under Section 25F of 1947 Act has not been granted to him. It may be noticed that the said benefit can only be given in case an employee has worked for 240 days in the preceding 12 months prior to the date of termination. Learned counsel for the petitioner concedes that even after including the medical leave availed, he has only completed 199 days, which clearly shows that the minimum requirement of completion of 240 days in



service in order to get the retrenchment compensation has not been fulfilled by the petitioner so as to claim violations of 1947 Act.

6. Learned counsel for the petitioner has not been able to point out any perversity in the Award, which is being challenged in the present writ petition, hence, no ground is made out for any interference by this Court in the present petition.

7. Dismissed.

8. Pending miscellaneous application, if any, also stands disposed of.

March 05, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No