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

(225)

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Date of Decision : 21.08.2025

Ram Niwas

...Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-
Labour Court, Rohtak and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Manoj Makkar, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant writ petition, cast under Articles 226/227 of the Constitution of India, a challenge is thrown to the award dated 16.07.2014 (Annexure P-7), vide which, the reference was answered against the petitioner/workman, on the ground, that he has not worked for 240 days in the preceding 12 months, from the date of termination of his services i.e. 17.08.2004.

2. Learned counsel for the petitioner submits that the petitioner was appointed on 20.01.2003, and he worked uptill 17.08.2004, as a part time Sweeper, for 1-1/2 hours daily on working days, and therefore, he has completed 240 days, in the preceding year, and since there is non-compliance of provisions of Section 25(f) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the ID Act'), the petitioner/workman is liable to be re-instated in service with full back wages.

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3. In order to substantiate, that the petitioner/workman has worked from 22.01.2003 to 28.02.2004, learned counsel for the petitioner has further drawn the attention of this Court, towards the Annexure P-3, which is a reply given by Block Education Officer, Beri, Jhajjar, to the notice served under Section 80 of CPC, by the petitioner/workman.

4. On the other hand, learned counsel for the respondent/State, has opposed the submissions made by the learned counsel for the petitioner. He submits that the petitioner is taking undue advantage of a clerical mistake committed, while replying to the notice issued under Section 80 CPC. He further submits that even from the reply, it is clearly reflected that the salary of the petitioner was payable from 22.01.2002 to 28.02.2003, which establishes that instead of 28.02.2003, it was wrongly mentioned as 28.02.2004. He also submits that though in the reply to the claim petition, the State has categorically stated that the petitioner/workman has only worked upto 28.02.2003, that too for 1-1/2 hours daily on working day, and rest of the time, he was free to work anywhere. Finally, he submits that the petitioner is unable to place on record any evidence, to substantiate that he has worked for 240 days, in the preceding year.

5. On considering the rival submissions, so made by learned counsel for the parties concerned, this Court, finds that there is no merit in the instant petition.

6. The petitioner was appointed as a part time Sweeper, on 20.01.2003. It was specifically stated by the respondent/Management before the learned Tribunal that the petitioner has worked only upto 28.02.2003. The petitioner has made no efforts to place on record any evidence/documents, to substantiate that he has worked upto 28.02.2004. Even, no application was



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preferred by the petitioner, before the learned Tribunal, to call for any records, so as to prove the above facts.

7. Another glaring fact, which in fact, demolish the case of the petitioner is that, he was also appointed for the second time on 16.02.2004, as Waterman, in Centre No.3 of Government Girls Senior Secondary School, Beri. This fact also clearly belies the submissions of the petitioner, that he has worked as Sweeper, upto 17.08.2004. If the petitioner was appointed on 16.02.2004, on the post of Waterman, then no question arises to continue in his earlier engagement as a Sweeper, till 17.08.2004. The petitioner has not filed any application before the learned Tribunal, for issuance of any directions to the respondent/Management, to place on record any documents, to establish his claim, therefore, in the absence of any evidence, the reference was rightly answered against the petitioner/workman, by the learned Tribunal concerned, and no interference of this Court is required.

8. Consequently, the instant writ petition is **dismissed**.

(KULDEEP TIWARI)
JUDGE

August 21, 2025
Manpreet

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