



CWP-7535-2013

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

(218)

CWP-7535-2013

Date of Decision : 26.11.2025

Manphool Singh

...Petitioner

Versus

Presiding Officer, Industrial Tribunal cum
Labour Court-II, Gurgaon and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Lajpat Sharma, Advocate for
Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

KULDEEP TIWARI, J.(ORAL)

1. The reference was answered against the petitioner/workman, through an award dated 03.02.2009 (Annexure P-1), passed by the learned Industrial Tribunal, Gurgaon, whereby, the petitioner/workman was found to be a daily wager, and being appointed against the Constitutional Scheme of public appointment, and was denied the benefit of re-appointment. The award (supra), was put to challenge by the petitioner/workman, by filing CWP-1126-2010, and a Coordinate Bench of this Court, vide order dated 25.05.2010 (Annexure P-2), has set aside the award (supra), and remanded the *lis* back to the learned Tribunal concerned, to decide the issue, as to whether, the petitioner/workman has completed 240 days, in the preceding 12 months, from the date of his termination, or not, in order to evaluate, as to



whether, the petitioner/workman is entitled for compensation, or not. The relevant is extracted hereinafter :-

“Counsel for the petitioner contends that no findings have been returned by the Labour Court as to whether the workman has, in the 12 preceding months from the date of his termination, completed more than 240 days or not. He contends that to decide the right of the workman as to whether he would be entitled to some compensation or not, the finding on that aspect would be essential. That apart, the matter, therefore, cannot be said to have been rightly decided by the Labour Court and deserves to be remanded to it for decision afresh in accordance with law. The assertion of the counsel for the petitioner could not be disputed by the counsel for the respondents with regard to the fact that no finding has been returned by the Labour Court as to whether or not the workman has completed 240 days of service in the 12 preceding months from the date of his termination.

In this view of the matter, the impugned Award dated 3.2.2009 (Annexure P-9) passed by the Industrial Tribunal-cum-Labour Court, Gurgaon is hereby set aside and the case is remanded to the Labour Court for fresh decision in accordance with law.”

2. Post the decision (supra), the matter was re-examined by the learned Tribunal concerned, and the attendance register produced by the petitioner, as secondary evidence was considered. It was further observed by the learned Tribunal concerned, that Exhibits P-25, P-59 and P-64, were different. Similarly, the attendance register for the month of June, 2000, which was exhibited as Exh.P-67 and P-76, were also found to be different. Even, the attendance registers for the months of June and July, 2000, were

not found to be credible by the learned Tribunal concerned. Finding the



documents, which have been produced on record as secondary evidence not reliable, the learned Tribunal concerned, has returned the findings, to the effect, that the petitioner/workman, has failed to establish that he has worked for 240 days continuously, in the preceding 12 months.

3. Learned counsel for the petitioner, in an endeavour to throw a challenge through an award dated 04.10.2011 (Annexure P-3), passed by the learned Tribunal concerned submits that even if the documents/exhibits, which were doubted by the learned Tribunal concerned, is excluded, still the learned Tribunal concerned is required to record the findings, as to whether, the petitioner/workman, has completed 240 days in the preceding 12 months, or not.

4. This Court has put a specific query to learned counsel for the petitioner, to point out from the exhibits, as to how, the petitioner/workman, has completed 240 days, in the preceding 12 months. Though, he has made the honest efforts, however, he is unable to satisfy this Court, that in the preceding 12 months, the petitioner/workman has completed 240 days.

5. In view of the above, this Court, while exercising the powers under Article 227 of the Constitution of India, finds no plausible reasons to interfere with the factual findings, as returned by the learned Tribunal concerned, as same was not found to be perverse, in any manner.

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

(KULDEEP TIWARI)
JUDGE

November 26, 2025
Manpreet

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