



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

**CWP-26572-2017 (O&M)
Date of Decision : 07-03-2025**

CHIEF MEDICAL OFFICER, CIVIL HOSPITAL BHIWANI

.....Petitioner

VERSUS

PARDEEP KUMAR AND ANOTHER

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naveen Singh Panwar, DAG Haryana
For the petitioner.

Mr. Manoj Chahal, Advocate
for respondent no.1.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned award dated 06.07.2017, copy of which has been appended as Annexure P-1 on the ground that the respondent No.1-Workman has not worked for 240 days in the preceding 12 months prior to the date his services were terminated on 002.06.2014 but still relief has been extended to him.

2. Learned counsel for the petitioner argues that the respondent-Workman was reinstated on service on 05.03.2014 and again his services were terminated on 02.06.2014 hence, the respondent No.1-Workman had worked for approximately three months prior to the date when his services were terminated hence, the grant of benefit by the Labour Court by holding that the respondent No.2-Workman had completed 240 days so as to claim

the violation of Section 25F of the Industrial Disputes Act, 1947, the said impugned award dated 06.07.2017 (Annexure P-1) is liable to be set aside.

3. Learned counsel for the respondent submits that the argument being raised by the petitioner-Department is incorrect.

4. Learned counsel for the respondents submits that the respondent No.1-Workman was appointed on 26.08.2009 as Sweeper and he continued to work upto 26.02.2011 after which his services were terminated, which termination was challenged before the Labour Court and as per the award of the Labour Court, Hisar dated 13.05.2013, the termination was set aside and the benefit of reinstatement with continuity in service was granted and it was only in pursuance to the said award dated 13.05.2013, the respondent No.1-Workman was reinstated in service on 05.03.2014 but was terminated again on 02.06.2014.

5. Learned counsel for the respondent-Workman further submits that once the aforementioned impugned award describes that the respondent No.1-Workman was reinstated with continuity, the total length of service is to be counted from 26.08.2009 onwards till 02.06.2014 hence, the respondent No.1-Workman had completed 240 days which has rightly been appreciated by the Labour Court to grant the benefit hence, the said writ petition may kindly be dismissed.

6. I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

7. Once, by an award dated 13.05.2013 of the Labour Court, the order terminating the services on 27.02.2011 were set aside with the direction that the respondent-No.1-Workman is to be reinstated in service with continuity, which fact has gone unrebutted, the respondent No.1-

Workman is to be treated in service for all intents and purposes starting from 26.08.2009 till the termination of the services of the respondent No.1-Workman on 02.06.2014 again.

8. In case the prayer of the petitioner is to be accepted that he was reinstated on 05.03.2014 and to be terminated again in service on 02.06.2014 is to be taken into account then the award dated 13.05.2013 is to be ignored, which cannot be done. Once, an award dated 13.05.2013 by Labour Court had already attained finality according to which, the respondent No.1-Workman was reinstated in service with continuity, it is deemed that the respondent No.1-Workman was continuing in services uninterruptedly from 26.08.2009 till 02.06.2014 and it is to be treated that he had completed 240 days which has likely been appreciated by the Tribunal while granting the relief to the respondent No.1-Workman.

9. No perversity in the impugned award dated 06.07.2017 has been shown before this Court hence, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

10. The present petition stands dismissed.

11. Pending application, if any, also stands disposed of.

07-03-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO