

CWP No. 2648 of 2018 (O&M) and
CWP No. 2966 of 2018 (O&M)

2025:PHHC:049512



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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 220)**

(1) CWP No. 2648 of 2018 (O&M)
Date of Decision : 09.04.2025

Chaudhary Devi Lal Co-operative Sugar Mill Limited, Ahulana

...Petitioner

Versus

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

...Respondents

(1) CWP No. 2966 of 2018 (O&M)

Chaudhary Devi Lal Co-operative Sugar Mill Limited, Ahulana

...Petitioner

Versus

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

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surender Saini, Advocate for the petitioner(s)
in both cases.

Mr. Raja Sharma, Advocate and
Mr. Kamal Sharma, Advocate for the respondents in both cases.

Harsimran Singh Sethi J. (Oral)

CM-16771-CWP-2023 in CWP-2648-2018

Present application has been filed for impleading legal
representatives of respondent No. 2-Om Parkash, who unfortunately died on
12.06.2020, during the pendency of the writ petition.



Notice of the application to learned counsel for the petitioner(s).

Mr. Surender Saini, Advocate, accepts notice on behalf of the petitioner(s) and raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, present application is allowed. Legal heirs of respondent No. 2-Om Parkash, the details of whom are given in para 2 of the application, are allowed to be impleaded in the present writ petition and the amended memo of parties attached with the present application is taken on record only for prosecuting the present litigation.

CM stands allowed.

CWP No. 2648 of 2018 and CWP No. 2966 of 2018

1. In the present two petitions, the grievance being raised by the petitioner(s) is that without adjudicating upon the issue that whether the respondent-Workmen are seasonal Workmen or not and that whether Section 25F of Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act') will be applicable upon them or not, the impugned Awards dated 06.09.2017 have been passed by the Labour Court so as to hold that the termination of the respondents-Workmen is bad so as to grant them the relief of reinstatement in service with continuity along with 50% back wages. The prayer of the petitioner is to set-aside order dated 06.09.2017 passed by Labour Court.

2. Learned counsel for the petitioner(s) submits that the respondents-Workmen being seasonal workers only worked for a period of



two to three months in a particular season and not for whole year and, therefore, the grant of relief of reinstatement along with continuity in service to such Workmen, is not envisaged either under Section 25F of 1947 Act or even as per the judgment of Hon'ble Supreme Court of India in Civil Appeal Nos. 8058-60 of 1995 titled as ***Morinda Co-op. Sugar Mills Ltd. Vs. Ram Kishan and others***, decided on 25.08.1995.

3. Learned counsel appearing on behalf of the respondents-Workmen submits that keeping in view the facts and evidence which have come on record, the findings have been recorded by Labour Court that in the facts and circumstances of the present case that Workman has worked for 240 days in the preceding 12 months prior to the termination, the benefit of reinstatement in service with 50% back wages and continuity of service shall be granted, which relief has been granted vide order dated 06.09.2017, which order may kindly be upheld.

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

5. It may be noticed that the seasonal worker is a kind of worker who would not perform the duty for a period of 240 days in a whole year. Even as per 1947 Act, in case an employee has not performed the duties for a period of 240 days in the preceding 12 months prior to termination, Section 25F of 1947 Act is not applicable.

6. Learned counsel for the petitioner(s) has not been able to dispute that the respondents-Workmen have completed 240 days in preceding 12 months prior to their termination.



7. Once, an employee has completed 240 days in the preceding 12 months prior to termination, such an employee cannot be treated as a seasonal employee so as to deny him the benefit of Section 25F of 1947 Act i.e. the retrenchment/compensation. Hence, the argument of the learned counsel for the petitioner(s) that the respondents-Workmen are seasonal workmen and Section 25F of 1947 Act is not applicable upon them, does not fit in the facts and circumstances of the present case.

8. No other argument is raised.

9. Keeping in view the above, no ground is made out for interference by this Court as, no perversity in the Award impugned qua the evidence and the facts that have come on record, has been pointed out.

10. Dismissed.

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

12. A photocopy of this order be placed on the file of connected cases.

April 09, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No