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

Date of Decision : 18-02-2025

1. CWP-5665-2017 (O&M)

RAM AVTAR

.....Petitioner

VERSUS

PRESIDING OFFICER LABOUR COURT HISAR AND ORS

.....Respondent(s)

2. CWP-5716 -2017 (O&M)

VED PARKASH @ VED PAL

.....Petitioner

VERSUS

PRESIDING OFFICER LABOUR COURT HISAR AND ORS

.....Respondent(s)

3. CWP-5711-2017 (O&M)

ANIL @ LILA

.....Petitioner

VERSUS

PRESIDING OFFICER LABOUR COURT HISAR AND ORS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Lajapt Rai Sharma, Advocate
for Mr. Vivek Khatri, Advocate
for the petitioner(s).

Mr. Padam Kant Dwivedi, Advocate
for respondent Nos.2 and 3.

HARSIMRAN SINGH SETHI, J. (Oral)

1. Present bunch of three writ petitions involve common question

of law in the context of common set of facts and thus they are being decided by a common order.

2. In the present bunch of petitions, the challenge is to the award dated 17.09.2015 (Annexure P-1) passed by the Labour Court on the ground that without examining the record, a finding has been given that the workmen had not completed 240 days so as to claim the benefit under the provisions of Section 25F of the Industrial Disputes Act, 1947, which award is liable to be set aside.

3. Learned counsel for the petitioner(s) submits that the workmen had completed 240 days before alleged termination of their services hence, as no retrenchment compensation was paid to them, the termination should be set aside and they should be reinstated in services along with all consequential backwages.

4. Learned counsel for the respondents-Corporation submits that the detail of the working of the petitioner(s)-workmen were brought before the Labour Court as well as before this Court in the reply wherein, the details of the number of the days of each of the petitioner(s) have been given in Paragraph-2. It has been mentioned that in cases of Ram Avtar and Ved Parkash, they had worked for 184 days and petitioner Anil @ Lila had worked for 169 days and even the said averment has not been controverted by filing replication, which clearly shows that without any cogent reason or evidence, the award dated 17.09.2015 (Annexure P-1) has been challenged hence, the writ petition may kindly be dismissed.

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

6. The primary contention of the petitioner(s)-workmen is that they had worked for 240 days hence, while terminating their services, the respondents were under obligation to pay retrenchment compensation as envisaged under Section 25F of the Industrial Disputes Act, 1947 and as the same has not been paid also, the termination of the workmen could have been set aside, which prayer of petitioner(s)-workmen have wrongly been rejected by the Labour Court.

7. It may be noticed that the Labour Court has recorded categorical finding on the basis of the evidence that the petitioner(s)-workmen have not been able to prove that they had worked for 240 days in the 12 months preceding their alleged termination. In the absence of any material evidence brought on record, merely on the basis of the conjectures that the petitioner(s)-workmen have worked for 240 days, the same cannot be accepted.

8. Even otherwise, in the reply, the respondents-Corporation have come with the details of the number of days which the petitioner(s)-workmen have worked in the preceding 12 months from the date of termination, which clearly shows that the petitioner(s)-workmen have not completed 240 days.

9. Even the said averment has not been rebutted by the petitioner(s)-workmen by filing any replication. In the absence of any such replication coupled with the finding recorded by the Labour Court on the basis of the evidence, which has come on record, it cannot be said that the argument of the petitioner(s)-workmen that they had worked for 240 days, is correct so as to grant them the benefit of reinstatement in service.

10. As the learned counsel for the petitioner(s)-workmen has not been able to point out any perversity in the order passed by the Tribunal, no ground is made out for any interference in the facts and circumstances of the present case.

11. Hence, the present bunch of three petitions stands dismissed.

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

13. Photocopy of this order be placed on the files of other connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

18-02-2025

Sapna Goyal

NOTE: Whether speaking: YES
Whether reportable: NO