



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

CWP-20465-2025 (O&M)

Date of Decision : 21-07-2025

SAPAT KHAN ALIAS SAFYAT

.....Petitioner

VERSUS

**PRESIDENT OFFICER INDUSTRIAL TRIBUNAL CUM LABOUR
COURT 2 GURUGRAM AND OTHERS**

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Munfaid Khan, Advocate
 for the petitioner.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is qua the award dated 03.11.2022, copy of which has been appended as Annexure P-10 by which, the claim regarding reinstatement along with continuity in service and full backwages of the petitioner has been rejected and his services have been terminated in violation of the provisions of the Industrial Disputes Act, 1947 (hereinafter referred as “1947 Act”), which is causing prejudice.

2. Learned counsel for the petitioner submits that in the present case, the petitioner was appointed on contractual basis for the post of Driver for a particular period but, his services were terminated prior to the expiry of the said period and contention raised by the respondents were that the petitioner was never terminated by the Agency rather he left the job, which is incorrect.

3. Learned counsel for the petitioner submits that in the present case Section 2(oo)(bb) of the 1947 Act will not be applicable as the petitioner was appointed on 20.08.2001 for a period of 89 days and his services were extended from time to time for a period of 12 years by giving notional breaks and was appointed upto 31.03.2014.

4. I have heard learned counsel for the petitioner and have gone through the records of the present case with his able assistance.

5. Though, it is correct that the petitioner-Workman was appointed upto 31.03.2014 but at that time, he was working with Mewat Haryana Bhawan at Delhi. Keeping in view the exigency of service on 03.12.2013, the petitioner was directed to report at Raj Bhawan at Chandigarh from Nuh, but he chose not to attend the office and remained absent and rather left the job.

6. The Labour Court while passing the award dated 03.11.2022 has appreciated the said fact on the basis of the material evidence which has come on record as mentioned in Para No.12 of the Award wherein MW-1 Ajit Singh has specifically deposed that the petitioner was directed to report at Raj Bhawan at Chandigarh from Nuh but, it is the petitioner who left the job rather being terminated from services.

7. Learned counsel for the petitioner submits that the petitioner was asked to join either to Haryana Bhawan at Delhi or Raj Bhawan at Chandigarh from Nuh by issuing written orders.

8. Keeping in view the fact that the petitioner was employed on the temporary basis, he was asked to join orally, which fact has been brought on record and the said fact has also been appreciated by the Labour Court in

a manner required hence, the award dated 03.11.2022 (Annexure P-10) can only be interfered with by this Court.

9. No ground is made out for any interference by this Court as the perversity in the award dated 03.11.2022 (Annexure P-10) has not been shown hence, the present petition stands dismissed.

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

21-07-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO