



209 IN THE HIGH COURT OF PUNJAB AND HARYANA
(3 cases) AT CHANDIGARH

Date of Decision : 24-01-2025

1. CWP-26857-2019 (O&M)

RULDA RAMPetitioner

VERSUS

THE PRESIDING OFFICER, LABOUR COURT, AMBALA AND
OTHERS

.....Respondent(s)

2. CWP-27176-2019 (O&M)

RAJ KUMARPetitioner

VERSUS

THE PRESIDING OFFICER, LABOUR COURT, AMBALA AND
OTHERS

.....Respondent(s)

3. CWP-33110-2019 (O&M)

SANJAYPetitioner

VERSUS

THE PRESIDING OFFICER, LABOUR COURT, AMBALA AND
OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.S Cooner, Advocate with
Mr. Ishan Cooner, Advocate
for the petitioners.

Mr. Saurabh Girdhar, AAG Haryana.

Mr.A.S Virk, 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 passed by the Labour Court, Ambala dated 07.06.2018 (Annexure P-1).

3. Learned counsel for the petitioners submits that as per the averments, the workmen had worked from 1995 till 30.06.2007 on daily wages but the benefit of Section 25F to H was not given despite termination of their services even though, the workman had completed 240 days in the preceding 12 months prior to the termination of their services.

4. Learned counsel for the respondent-University submits that Exhibit M-1 was produced to show that 240 days were not completed.

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

6. A bare perusal of the award would show that no finding has been record by the Court that the workman had not completed 240 days so as to deny the benefit of Section 25F to H of the Industrial Disputes Act, 1947 (for short 1947 Act). The Labour Court was required to discuss the evidence to record such findings before rejecting the claim of the workman. In the absence of any such finding given, that the workman had not completed 240 days, the claim could not have been rejected by the Tribunal. The award is contrary to the requirements which are envisaged under the provisions of the 1947 Act. Once, there is an averment that the workman had worked from 1995 to 2007, even if an objection was taken by the respondent-authorities concerned qua non-completion of 240 days, the said evidence needed to be discussed to record the findings on the same issue,

which finding is missing in the present bunch of petitions. Hence, the impugned award dated 07.06.2018 is set aside and the present bunch of petitions are remanded back to the Labour Court for fresh adjudication of the claim of the workman whether they are entitled for any benefit qua the claim of violation of Section 25F to H of the 1947 Act in the facts and circumstances of the present case.

7. As, the present bunch of petitions are pending since 2019 and the termination is of the year 2007, the Labour Court is directed to decide the issue between the parties within a period of 4 months from the receipt of copy of this order by taking into consideration the pleadings as well as evidence which have come on record.

8. Parties though counsel if any, are directed to appear before the Tribunal on 17.02.2025.

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

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

24-01-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO