



CWP-2457-2015

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

(222)

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Date of Decision : 10.12.2025

Ram Lubhaya

...Petitioner

Versus

Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Onkar Singh Batalvi, Advocate  
for the petitioner.

Mr. Piyush Khanna, Advocate  
for respondents No.1 to 3.

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**KULDEEP TIWARI, J.(ORAL)**

1. The reference was answered against the petitioner/workman, through an award dated 23.09.2013 (Annexure P-6), passed by the learned Industrial Tribunal concerned, which is put to challenge before this Court, by filing the instant writ petition, cast under Article 226/227 of the Constitution of India.

2. Learned counsel for the petitioner while emphasizing on the written statement filed by respondent/Management, submitted that the petitioner/workman has worked for 446 days, therefore, on account of infraction of provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'ID Act'), the petitioner/workman, is entitled for reinstatement. He further submits that there is violation of provisions of Sections 25(G) and 25(H) of the ID Act, as the junior most persons to the petitioner/workman were retained in the service, whereas, the



petitioner/workman was ordered to march out. Finally, he submits that the evidence adduced by the petitioner/workman was not appreciated in its right perspective, by the learned Industrial Tribunal concerned, and therefore, the impugned award, requires interference of this Court, by invoking the supervisory powers, envisaged under Article 227 of the Constitution of India.

3. Learned counsel for the respondent/Management, joined the issue on merits and has drawn the attention of this Court towards the written statement filed by the respondent/Management, and submitted that they had never taken a stand therein, that the petitioner/workman has ever worked for 446 days continuously in the preceding year, rather it was the specific stand of the respondent/Management that the petitioner/workman has worked only for 120 days continuously, that too on daily wage/rate.

4. This Court has considered the submissions made by the learned counsels for the parties concerned, and has also gone through the award (supra).

5. It is a case where the petitioner has not brought any evidence on record to establish that he has worked for 240 days in the preceding year. Rather, it is the specific stand of the respondent/Management that the petitioner/workman has worked only for 446 days intermittently, and in the preceding year, he worked continuously only for 120 days with the respondent/Management, and there is no evidence brought on record, or any efforts made by the petitioner/workman, to bring on record any contradictory evidence.

6. Further, learned counsel for the petitioner has failed to point out that any junior to the petitioner/workman was retained in the service, and he was ordered to march out. All the evidence which has been adduced by both

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the parties, were appreciated in its right perspective, and there is no perversity or illegality in the impugned order, requiring any interference of this Court.

7. Consequently, the instant writ petition is **dismissed**, being bereft of any merit.

(KULDEEP TIWARI)  
JUDGE

December 10, 2025  
Manpreet

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |