

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

319-16

Decided on :02.04.2025

319 [CWP-31311-2024](#)

ASHOK KUMAR

. .Petitioner

Versus

THE PRESIDING OFFICER AND OTHERS

. . . Respondents

319 [CWP-31030-2024](#)

HARBHAJAN SINGH

. .Petitioner

Versus

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL COURT
AMRITSAR AND OTHERS

. . . Respondents

319 [CWP-31031-2024](#)

MOHINDER SINGH

. .Petitioner

Versus

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL COURT
AMRITSAR AND OTHERS

. . . Respondents

319 [CWP-31033-2024](#)

BEER SINGH

. .Petitioner

Versus

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL COURT
AMRITSAR AND OTHERS

. . . Respondents

319 [CWP-31035-2024](#)

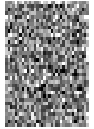
JASWANT SINGH

. .Petitioner

Versus

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL COURT
AMRITSAR AND OTHERS

. . . Respondents



CWP-31311-2024
AND CONNECTED CASES

-2-

319 CWP-31037-2024

SATNAM SINGH

. .Petitioner

Versus

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL COURT
AMRITSAR AND OTHERS

. . . Respondents

319 CWP-31121-2024

JAGTAR SINGH

. .Petitioner

Versus

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL COURT
AMRITSAR AND OTHERS

. . . Respondents

319 CWP-31140-2024

KULWANT SINGH

. .Petitioner

Versus

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL COURT
AMRITSAR AND OTHERS

. . . Respondents

319 CWP-32176-2024

RAJINDER KUMAR

. .Petitioner

Versus

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL COURT
AMRITSAR AND OTHERS

. . . Respondents

319 CWP-32180-2024

HEERA SINGH

. .Petitioner

Versus

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL COURT
AMRITSAR AND OTHERS

. . . Respondents

319 CWP-32182-2024

KASHMIR SINGH

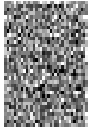
. .Petitioner

Versus

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL COURT
AMRITSAR AND OTHERS

. . . Respondents

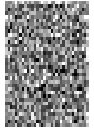
319 CWP-32183-2024



CWP-31311-2024
AND CONNECTED CASES

-3-

- JASPAL SINGH . . .Petitioner
Versus
THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL COURT
AMRITSAR AND OTHERS
... Respondents
- 319 CWP-32277-2024**
- HEERA SINGH . . .Petitioner
Versus
THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL COURT
AMRITSAR AND OTHERS
... Respondents
- 319 CWP-32285-2024**
- DHEERA SINGH . . .Petitioner
Versus
THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL COURT
AMRITSAR AND OTHERS
... Respondents
- 319 CWP-32288-2024**
- RAJINDER KUMAR . . .Petitioner
Versus
THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL COURT
AMRITSAR AND OTHERS
... Respondents
- 319 CWP-32783-2024**
- MOHINDER SINGH . . .Petitioner
Versus
THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL COURT
AMRITSAR AND OTHERS
... Respondents
- 320 CWP-31319-2024**
- KARNAIL SINGH . . .Petitioner
Versus



CWP-31311-2024
AND CONNECTED CASES

-4-

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL COURT
 AMRITSAR AND OTHERS

. . . Respondents

321 CWP-31322-2024

SUSHIL KUMAR

. .Petitioner

Versus

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL COURT
 AMRITSAR AND OTHERS

. . . Respondents

322 CWP-31332-2024

SUKHWINDER SINGH

. .Petitioner

Versus

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL COURT
 AMRITSAR AND OTHERS

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. S. S. Rana, Advocate for the petitioners.

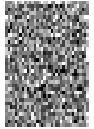
Mr. APS Sandhu, Advocate for the respondents.

HARSIMRAN SINGH SETHI, J. (Oral)

1. Present bunch of petitions involve common point of law and common set of facts, hence, they are being dealt together.

2. In the present bunch of petitions, the challenge is to the impugned award dated 10.01.2024 (Anneuxre P-1) by which, the claim of the petitioners for reinstatement in service alongwith the benefit of full back wages has been dismissed by the Tribunal.

2. Learned counsel for the petitioners-workman submits that the petitioners had worked for more than 240 days in service in the year proceeding their termination from service, but the said fact has not been



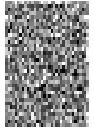
CWP-31311-2024
AND CONNECTED CASES

-5-

taken into consideration by the Tribunal while passing the impugned order dated 10.01.2024 (Annexure P-1).

3. Learned counsel for the petitioners-workman further submits that the petitioners had filed an application before the Labour Court for summoning of certain record so as to assert their point that they had completed the required 240 days in service, which application remained pending with the Labour Court till the passing of the impugned order dated 10.01.2024 (Annexure P-1) therefore, without summoning of the record which would have proved that the petitioners-workman had worked for more than 240 days in order to get the benefit under the provisions of Industrial Disputes Act, 1947 (herein after referred as 1947 Act), has not been considered by the Labour Court.

4. Upon notice of motion, the respondents have appeared and have contested the claim of the petitioners. Learned counsel for the respondents submits that no such evidence was ever brought on record by the petitioners-workmen which could show that they had worked with the respondent No. 2 for more than 240 days in the preceding 12 months prior to the termination of their services and it is incorrect on the part of the petitioners-workmen to contend that the application was moved by them for summoning the record was pending till date when the impugned order dated 10.01.2024 (Annexure P-1) was passed rather, in actuality the said application had already been dismissed by the Labour Court in February, 2023. Learned counsel for the respondents further submits that as per the settled principle of law, it is the duty of the petitioners-workman to prove their assertion that they had worked for 240 days in service in 12 months preceding the termination so as



CWP-31311-2024
AND CONNECTED CASES

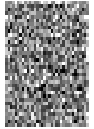
-6-

to allege the violation of 1947 Act on part of respondent No.2.

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

6. In the present petition, the claim of the petitioners-workmen is that they were working with respondent No. 2- M/s Essma Woolen Mills, Putlighar, Amritsar and they had completed 240 days in service in the 12 months prior to the termination of their services in July 2016 but, the said fact has not been looked into by the labour Court while recording the findings that petitioners-workman had failed to prove that they were continuously working with respondent No. 2- M/s Essma Woolen Mills, Putlighar, Amritsar and in the preceding 12 months to 08.07.2016, the workman had completed the required criteria of being in service for 240 days. Learned counsel for the petitioners-workman was asked to point out towards any evidence which had been brought on record to show that the petitioners-workman had worked for more than 240 days in 12 months prior to their termination with respondent No. 2- M/s Essma Woolen Mills, Putlighar, Amritsar. Upon this, learned counsel for the petitioners-workmen has not been able to produce any such document/evidence which was brought on record to prove their assertion that the petitioners-workman had completed 240 days in the preceding 12 months prior to 08.07.2016.

7. Qua the arguments raised for proving 240 days was completed by the petitioners-workman with respondent No. 2- M/s Essma Woolen Mills, Putlighar, Amritsar, learned counsel for the petitioners had argued that the petitioners had filed an application before the Labour Court for summoning of the record which application was still pending at the time



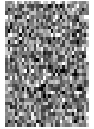
CWP-31311-2024
AND CONNECTED CASES

-7-

when the impugned order was passed on 10.01.2024 (Annexure P-1). Learned counsel for the respondent No. 2 has brought to the notice of this Court that the said application had already been dismissed by the Labour Court in February, 2023. The said fact has gone un rebutted. Learned counsel for the petitioners-workmen concedes that the said order of dismissal of the application was not challenged. Once, an application seeking the record qua service period was dismissed by the labour Court which decision was accepted by the petitioners along with the fact that no such evidence has been produced before this Court by the petitioners-workmen to show that the petitioners-workman had completed more than 240 days in service in the preceding 12 months prior to 08.07.2016 i.e. the date of termination, it cannot be said that the impugned award passed by the Labour Court is contrary to the facts or the evidence brought on record.

8. The Impugned award passed by the Labour Court can only be interfered by this Court, in case the same is found to be perverse to the evidence and the facts brought on record, but in the present case, no such fact or the evidence has been brought to the notice of this Court so as to pursue this Court to record the findings that the impugned Award is perverse to either the fact or evidence on record.

9. Even otherwise, the respondent NO. 2-M/s Essma Woolen Mills, Putlighar, Amritsar where the petitioners had served, has already been taken over by respondent No. 3. The petitioners are not claiming relief against respondent No. 3, hence, keeping in view the totality of the facts and circumstances of the present case, no ground is made out for any interference by this Court, the present petitions are dismissed.



CWP-31311-2024
AND CONNECTED CASES

-8-

10. Pending civil miscellaneous application, if any, stands disposed of.
11. A photocopy of this order be placed on the file of connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

02.04.2025

Riya

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*