

CWP No. 33011 of 2024

2025:PHHC:001713



1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(129)

CWP No. 33011 of 2024

Date of Decision : 09.01.2025

M/s T.C. Steel Industries

...Petitioner

Versus

Sanjeev Kumar and another

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Onkar Rai, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the Award dated 02.08.2024 (Annexure P-1) which has been passed in favour of respondent No. 1.

2. Learned counsel appearing on behalf of the petitioner submits that the respondent-workman had abandoned the job, hence, Section 25F of Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act') has wrongly been applied by the Tribunal in the facts and circumstances of the present case so as to set-aside the alleged termination and to grant him the relief of reinstatement with 75% back wages.

3. On being asked to point out the perversity in the Award, learned counsel for the petitioner has not been able to show any perversity especially qua the findings recorded by the Labour Court that Workmen had worked for 240 days prior to his termination so as to get the benefit of Section 25F of 1947 Act.



4. Once, an employee has completed 240 days, in the year prior to the date his services have been terminated, the respondents are under obligation to comply with the provisions of Section 25F of the 1947 Act. The learned counsel for the petitioner concedes the factum that no such process as envisaged under 1947 Act was undertaken.

5. Further, learned counsel for the petitioner has not been able to point out that the respondent-employee had abandoned the job. The only argument raised is that he was absent on certain occasion. The abandonment of the job and the absence from duty are two different things. The long duration for not performing the duties without any valid justification and not returning to the employment amounts to abandonment. Learned counsel for the petitioner has not been able to show that there was a long absence so as to conclude the abandonment of job at the hands of the respondent-employee.

6. Once, no perversity has been shown to this Court qua the Award dated 02.08.2024 (Annexure P-1), no interference is called for by this Court.

7. Dismissed.

January 09, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No