

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

110

CWP-17785-1999 (O&M)

Date of Decision : May 07, 2026

MAHABIR

-PETITIONER

V/S

**PRESIDING OFFICER, LABOUR COURT CUM INDUSTRIAL
TRIBUNAL, HISAR AND OTHERS**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. Bhupender Singh, Addl. A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. The instant writ petition is directed against the award dated 24.03.1999 passed by the Industrial Tribunal, Hisar, whereby the reference has been answered against the petitioner-workman on the ground that he had not completed the minimum statutory requirement of 240 days' continuous service in the year preceding his termination and, therefore, was not entitled to the protection under Section 25 of the Industrial Disputes Act, 1947.

2. Learned counsel for the petitioner submits that an identical question arose for consideration before a Division Bench of this Court in ***CWP-8553-1995 titled "Sector Superintendent Government Livestock Farm, Hisar vs. Rajinder and another"***. It is contended that in the said case, the award favouring the workman was challenged on a similar plea that Superintendents of the Government Livestock Farm across different sectors constitute distinct and separate entities, and that service rendered

with different entities cannot be clubbed to reckon the completion of 240 days. However, the Division Bench rejected the said contention and upheld the award passed by the Industrial Tribunal vide its order dated 13.12.1995.

3. *Per contra*, learned State counsel representing the respondents submits that the respondents No.4 to 6, with whom the petitioner had rendered service, constitute distinct employers. It is contended that the said respondents are separate authorities, each having independently decided to engage the petitioner at different intervals, and therefore, the periods of service rendered by the petitioner with each such authority cannot be clubbed for the purpose of reckoning 240 days of service. It is further submitted that, even otherwise, the petitioner had not completed 240 days of continuous service and is disentitled to any relief whatsoever.

4. This Court has heard learned counsel for the parties and made a studied survey of the record.

5. A perusal of the impugned award reveals that the Industrial Tribunal has held that although the petitioner had worked with the respondents No.4 to 6, the said respondents constitute distinct and separate employers, each maintaining separate muster rolls and having different and distinct drawing and disbursing officers. The Industrial Tribunal has further observed that the mere factum of the said respondents being under the administrative control of the respondents No.2 and 3 is insufficient to warrant a presumption that the petitioner's service rendered for different periods, in different capacities, with the three respondents is capable of being clubbed so as to compute 240 days of service. The relevant observations of the Industrial Tribunal are extracted *infra*:

"8. There is also no dispute that respondents No.3 to 5 with whom

the petitioner had worked, are different and distinct employers. They had their separate Muster rolls. They are different and distinct drawing and disbursing officers. Simply because they are under the administrative control of respondents No.1 & 2, is not at all sufficient to presume that the working of the petitioner for different periods, in different capacities, with the three respondents is clubable. Since the petitioner did not work for minimum statutory period of 240 days, with either of the three respondents, so his service cannot be said as 'continuous', within its meaning in Section 25-B of the Act, and so he was not entitled for the protection of Section 25 of the Act."

6. It is not in dispute that the respondents No.4 to 6 function directly under the administrative control of the respondents No.2 and 3 and, therefore, cannot be regarded as distinct entities. Their offices are also situated within the same city. The selfsame issue has already been considered by a Division Bench of this Court in ***Rajinder's case (supra)***, wherein the present respondent No.4 was the petitioner and had advanced an identical argument, which was negatived. The Division Bench held that since the employers therein operated under the direct control of the Chief Superintendent, Government Livestock Farm, Hisar, they cannot be treated as separate entities, and consequently, the service rendered by the workman with the said offices need to be computed to determine completion of 240 days. The observations of the Division Bench are extracted hereunder:

"Aggrieved by the order of the Labour Court directing the reinstatement to respondent-Workman with continuity of service with back wages, the present petition has been filed, mainly on the ground that as the respondent-Beldar had not completed 240 days service under one employer, the Labour Court was not justified in passing the Award and directing the reinstatement. It is submitted that the respondent-Workman was proved to have remained firstly under the employment of Section Superintendent (1), Government

Live Stock Farm, Hisar and then the Deputy Director Sheep Breeding Farm, Hisar which according to the learned counsel for the petitioner were two different Organisations and distinct employer, so far as the respondent-workman was concerned. We are not impressed with the argument of the learned counsel of the petitioner inasmuch as both the aforesaid organisations were under the control of the State of Haryana. It has been brought to our notice that the aforesaid two Officers were under the direct control of the Chief Superintendent, Government Live Stock Farm, Hisar.

Mr. Nehra, learned counsel for the petitioner has further submitted that the Labour Court was not justified in concluding that the respondent-workman had actually worked for 240 days and provisions of Section 25-F of the Industrial Disputes Act were attracted. It is submitted that the Labour Court has wrongly given the benefit of 34 days to the respondent-Workman. The argument is also without any substance which apparently appears to be untenable. No such plea has been raised in the Writ petition. Otherwise also the Labour Court has found on facts that the Workman had actually worked for more than 240 days. The finding of the fact cannot be disturbed by us in exercise of the writ jurisdiction.

There is no merit in the writ petition and the same is dismissed. There is no order as to costs."

7. Learned State counsel has not been able to cite any contrary judicial precedent warranting a different view than that taken by the Division Bench of this Court. **Therefore, the finding of the Industrial Tribunal, to the extent it holds that the service rendered by the petitioner with the respondents No.4 to 6 cannot be clubbed, cannot be sustained and is accordingly set aside.**

8. However, the question whether the petitioner had, in fact, rendered 240 days of continuous service is a matter of fact, which requires examination by the Industrial Tribunal in light of the evidence already on

record. Accordingly, the matter is remanded to the Industrial Tribunal for the purpose of determination of the aforesaid factual issue. The parties are directed to appear before the Industrial Tribunal on 19.05.2026. Considering that the petitioner-workman has been pursuing the matter since 1999, the Industrial Tribunal shall endeavour to decide the reference, on the aforesaid issue, within a period of six months from the date of appearance of the parties on 19.05.2026.

- 9. The instant writ petition stands disposed of accordingly.
- 10. Pending application also stands disposed of accordingly

May 07, 2026
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No