

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

213

CWP-1997-2001 (O&M)

Date of Decision : January 14, 2026

SHER MOHAMAD

-PETITIONER

V/S

**PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-I, FARIDABAD AND ANR.**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Dhruv Gupta, Advocate (*amicus curiae*)
for the petitioner.

Mr. Sandeep Chhabra, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioner/workman has laid challenge to the award dated 12.06.2000, passed by the respondent No.1-Industrial Tribunal, whereby the reference was answered against him on the ground that he had not completed 240 days of service in the year preceding his termination.

2. It is apposite to note that the counsel who had earlier appeared on behalf of the workman before this Court submitted that he had lost contact with the workman. Consequently, this Court, vide order dated 29.08.2025, directed issuance of court notice to the workman. However, the notice could not be served due to the absence of complete and correct address. In view thereof, and in order to safeguard the interest of the workman, this Court, vide order dated 28.10.2025, appointed Mr. Dhruv Gupta, Advocate, as *amicus curiae* to assist the Court on behalf of the

workman.

3. Learned counsel appearing for the workman contends that the Industrial Tribunal erred in law in not drawing an adverse inference against the respondent No.2/management for non-production of the relevant record. It is argued that had the management produced the complete service record, it would have clearly established that the workman had completed 240 days of service in the year preceding his termination. It is submitted that the workman was engaged as a Beldar on 18.07.1991 and his services were abruptly terminated on 28.08.1992, thereby leaving no manner of doubt that the statutory requirement of 240 days stood fulfilled. In support of his submissions, he places reliance upon the judgments of the Hon'ble Supreme Court and this Court in *“Director, Fisheries Terminal Division v. Bhikubhai Meghajibhai Chavda”, (2010) 1 SCC 47*; *“Executive Engineer, Public Welfare Management (Public Health) v. Ramesh Kumar and others”, LPA-504-2019*; *“Bhoop Singh v. State of Haryana and others”, LPA-1305-2015*; *“The State of Haryana through Principal Secretary, Forest Department v. Gulab Singh and another”, LPA-554-2018*; and *“Jaipal v. Industrial Tribunal-cum-Labour Court and another”, CWP-27293-2013*.

4. *Per contra*, learned counsel for the management, while inviting the attention of this Court to the demand notice (Annexure P-1), submits that although the notice contains a pleading regarding the appointment of the workman as Beldar on 18.07.1991, it is conspicuously silent with respect to the date of termination of his services. It is contended that the demand notice is, therefore, vague and deficient in material particulars. In fact, the workman disclosed the alleged date of termination for the first time when he

stepped into the witness box, and in the absence of any foundational pleading, such a bald assertion cannot be accorded any evidentiary value.

5. Learned counsel for the management further submits that the workman did not make any effort, nor did he move any application before the Industrial Tribunal, seeking production of the muster rolls or other relevant records pertaining to his alleged service at Tikona Park for the period from April 1992 to 28.08.1992.

6. This Court has heard submissions of learned counsel for the contesting litigants and has carefully perused the record.

7. A perusal of the workman's demand notice (Annexure P-1) reveals that while it contains pleadings regarding his appointment as Beldar on 18.07.1991 on an approximate monthly salary of ₹971/-, and his deployment initially at Dabua Colony and thereafter, in April 1992, at Tikona Park, Boosting Water Supply, Faridabad, it does not contain any averment whatsoever regarding the date or manner of termination of his services. On the contrary, the written statement filed by the management asserts that the workman was engaged only on 01.11.1991, and that he abandoned his duties after 31.03.1992. It was specifically pleaded that the workman was never posted at Tikona Park, and that he had rendered only 124 days of service, as reflected from the muster rolls produced before the Industrial Tribunal and exhibited as Ex. M-1 to M-6.

8. It is further evident from the record that the only effort made by the workman before the Industrial Tribunal was to seek production of muster rolls for the period from July 1991 to October 1991. No steps were taken by him to seek production of muster rolls or any other record, including any order of termination, for the period post April 1992. The

Industrial Tribunal, therefore, rightly drew an adverse inference against the management for non-production of muster rolls for the period July 1991 to October 1991 and concluded that the workman was appointed on 18.07.1991 and not on 01.11.1991. However, in the absence of any effort being made by the workman to seek production of record or supporting material for the period thereafter, the Industrial Tribunal was justified in not drawing any adverse inference to hold that the services of the workman were terminated on 28.08.1992.

9. In view of the absence of any pleading in the demand notice regarding the date of termination, coupled with the failure of the workman to seek production of muster rolls or other relevant record for the period subsequent to April 1992, this Court finds no illegality or perversity in the impugned award.

10. In summa, the instant writ petition is **dismissed** and the impugned award is upheld.

11. Pending application(s), if any, stand disposed of accordingly.

January 14, 2026
devinder

(KULDEEP TIWARI)
JUDGE

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