

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

CWP-3558-2001 (O&M)
Date of decision: 20.01.2026

Satya Dev

....Petitioner

Versus

Presiding Officer Industrial Tribunal-cum-Labour Court, Faridabad and
another
....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Malvika Chauhan, Advocate,
for the petitioner.

Mr. Manoj Sood, Advocate,
for respondent No.2.

KULDEEP TIWARI, J. (Oral)

1. The petitioner, through the instant writ petition, as cast under Article 226/227 of the Constitution of India, challenges the award dated 02.11.2000 (Annexure P-3), vide which, the reference was answered against him, on the ground that he could not prove that he had worked for 240 days in the preceding year.

2. In the instant matter, the petitioner-workman filed a claim statement that he was working as Pump Operator with the respondent-Management, w.e.f. 06.03.1995. When he was posted at tubewell No.7, Sector-7, Faridabad, his services were abruptly terminated on 23.11.1995, without assigning any reasons and adhering to the provisions of the Industrial Disputes Act, 1947 (for short, 'the Act of 1947'). And, his last drawn wages were Rs.1,325/- per month. It was also pleaded that wages for the months of October and November, 1995, were also not

paid to him. Accordingly, the industrial dispute was referred to the learned Industrial Tribunal, under Section 10 (1)(c) of the Act of 1947, for adjudication.

3. Upon consideration of the matter, and evidence led by both the parties, the learned Industrial Tribunal came to the conclusion that the petitioner-workman miserably failed to prove that he had worked for 240 days in the preceding year, when his services were terminated on 23.11.1995, and thus, answered the reference in the negative. Hence, this writ petition.

4. Learned counsel for the petitioner submits that sufficient record was produced by the petitioner-workman to establish that he had worked for 240 days in the preceding year. She further submits that, in fact, the muster roll appertaining to the months of May and June, 1995, was intentionally not produced by the Management. While drawing attention of this Court to the cross examination of Anand Sawroop J.E., who stepped into witness box as MW, she asserts that this witness categorically deposed that the petitioner-workman had worked for 145 days under his supervision. Accordingly, if the other muster rolls are added therewith, the period of work would come to 240 days.

5. On the other hand, learned counsel for the respondent-Management vehemently refutes the submissions advanced on behalf of the petitioner. He prays for dismissal of the instant writ petition.

6. Having heard learned counsel for the parties, this Court is of the considered opinion that no interference is warranted in the well reasoned award passed by the learned Industrial Tribunal.

7. The key submission, upon which the entire case of the workman is predicated, carries no weight. Admittedly, the petitioner was

obliged to summon the record relating to May and June, 1995, which he failed to. Rather, an application, which is available at page No.51 of the record, reflects that, only the muster roll for the months of July to September, 1995, in relation to tubewell No.7, was requested to be produced through O.P. Mor, JE, (WW2), which was produced. Upon examining the same, the learned Industrial Tribunal could not gather any concrete evidence, which could remotely support the plea of the petitioner-workman. In this view of the matter, the arguments advanced on behalf of the petitioner pale into insignificance, and would not advance his cause.

8. Before drawing the conclusion, it would be imperative to refer to the relevant observations made by the learned Industrial Tribunal, while denying the relief prayed for, and the same are extracted hereinbelow:-

“8. Sh. Anand Sawroop J.E. as MW-1 has stated that Satyadev had worked under him for 145 days during the period from March, April, August, October, 1995 and upto 22.11.95. Copies of muster-rolls were proved as Ex.M-1 to M-9. He further stated that Sahdev S/o Sh. Lakhmi was also working with him and that there had been interpolation in the muster-rolls of May and June, 1995 i.e. Ex.M-3 and M4 in the name of Sahdev, 'H' has been converted into 'T' and 'Y' has been added but father's Lakhmi and that Sahdev was personally known to him who was the resident of Banakpur. In cross-examination, he has further admitted his signature on Ex.W-1 at Mark-A and stated that he had signed it without verifying the original one.

9. Workman as WW-1 has stated that he had completed more than 240 days and deposed about report on Ex.W-1 bearing the signature of Sh. O.P.Mor and Sh. Anand Sawroop J.Es. and also produced copies of muster-rolls for the months of July and September, 1995 as Mark-WX and WY. Sh.

O.P.Mor J.E. as WW-2 has stated that the claimant had worked under him for two months i.e. July, 1995 and September, 1995 and proved said muster-rolls as Ex.W-2 and W-3 (Earlier marked as WX & WY). He further stated that Ex.W-1 bears his report at Point-A.

10. It is to be seen whether in these circumstances, the workman had worked for more than 240 days when his services were terminated w.e.f. 23.11.1995. A perusal of muster-rolls Ex.M-1 to M-9, shows that the workman Satyadev S/o Sh. Rang Lal has been shown having worked from March, 1995 to November, 1995 (upto 22.11.1995) except for the months of 5/95, 6/95 and 9/95. One Sahdev S/o Lakhmi has been shown having worked in the months of May, June and July, 1995 and also for September, 95. The workman had not been shown having worked but a perusal of muster-rolls Ex.W-2 and W-3 proved by WW-2 Sh. O.P.Mor, JE shows that the workman had worked in the months of 7/95 and 9/95 under WW-2. Thus in these circumstances, there is no authenticity of report on Ex.W-1 so submitted MW-1 in which the workman had been having worked from 1.3.1995 to 20.6.1995 since he has mentioned the months of 7/95 and 9/95 for which the workman had worked. So no reliance can be placed on this report. It was for the workman to summon the concerned muster-rolls for the months of 5/95 and 6/95 but the same has not been done. So in these circumstances, when said Sahdev S/o Lakhmi had also been shown having worked for 7/95, it cannot be said that entries for the months of 5/95 and 6/95 pertaining to the workman since the workman worked for the month of 7/95 as well, so two entries at the same time in the name of Satyadev s/o Sh. Rang Lal cannot come for the month of 7/95.”

9. A bare perusal of the abovesaid findings clearly indicates that the petitioner-workman miserably failed to prove that he had worked for 240 days in the preceding year. Further, learned counsel for the petitioner could not refer to any document or evidence, which could lend

credence to the version of the petitioner. In such circumstances, this Court has no reason to upset the observations recorded by the learned Industrial Tribunal. Accordingly, the instant writ petition is **dismissed**.

(KULDEEP TIWARI)
JUDGE

20.01.2026
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No