

**CWP-5950-2001****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(220)****CWP-5950-2001****Date of Decision : 09.04.2026**

Bijender

...Petitioner

Versus

Haryana Cooperative Sugar Mills Ltd.
Rohatak and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARIPresent: Mr. Ram Chander, Advocate
for the petitioner.Mr. Kuldeep Sheoran, Advocate
for respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, cast under Article 226/227 of the Constitution of India, a challenge is thrown to the award dated 05.10.2000 (Annexure P-7), passed by respondent No.2, wherethrough, the reference under Section 10 (i) (c) of the Industrial Disputes Act, 1947 (for short 'the ID Act'), was answered against the workman.

2. Learned Tribunal concerned, has held that the petitioner was a seasonal employee, working with the respondent No.1/Management, and he has failed to establish that his services were terminated. Secondly, learned Tribunal finds that there is no violation of principle of 'first come last go', as there is no specific pleading of appointment of any junior as a seasonal employee, in individual capacity to that of petitioner.

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3. Learned counsel for the petitioner while drawing the attention of this Court towards the findings of learned Tribunal concerned, wherein, it has been recorded that the petitioner/workman, has not completed 240 days. He submits that once it is declared that the petitioner was working as a seasonal employee, he is not required to complete 240 days, in the preceding year.

4. No other argument was advanced by learned counsel for the petitioner.

5. This Court has heard the submissions advanced by learned counsel for the petitioner, and has also examined the award (supra).

6. Learned Tribunal concerned, in the impugned award has categorically held that the services of the petitioner has not been terminated, rather it finds merit in the submission made by the Management, to the effect, that the petitioner/workman, himself left the job during the month of January, 1994, and it is not a case, where the petitioner/workman, was not allowed to do his duty by the Management, or his services were terminated in the month of January, 1994. Therefore, this Court does not find any reason to interfere in the well reasoned award, specifically, when the petitioner/workman was held to be a seasonal worker, and there is no termination order of his services. Furthermore, learned Tribunal concerned has given specific findings, to the effect, that principle of 'first come last go' has not been followed. The relevant observations of the learned Tribunal is extracted hereinafter :-

“9. During the course of arguments learned A.R. of the workman argued that the termination order is illegal on the principle of last come first go also. In this regard my attention was drawn on the statement of working as WW-1 who has stated that after his removal from service one Sunil S/O Puran was given employment by the management in the month of September, 1999, Workman in



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his statement could no make it clear as to whether Sunil was given employment against his seasonal post or against a permanent post. Moreover, to take plea of violation of provision of Section 25-G of the Act the workman was required to specification mention in his claim statement and demand notice the names of the persons who are junior to him and have been retained in service or given employment after his termination so that management could have opportunity to explain it position clearly by taking plea in the written statement and by adducing evidence. In the claim statement only it is pleaded that management has violated the provisions of Section 25-G and Section 25-H of the workman in this regard is vague. In these circumstances termination order can not be held illegal on the principal of last come first go also.”

7. In view of the above facts and circumstances of the instant case, this Court does not find any perversity or illegality in the impugned award, requiring any interference of this Court.

8. Consequently, the instant writ petition is **dismissed**.

(KULDEEP TIWARI)
JUDGE

April 09, 2026
Manpreet

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