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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21523-2022 (O&M)
Date of decision: 17.03.2026

Vinod Singla ....Petitioner

Versus

Presiding Officer, Industrial Tribunal, Patiala and others ....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sanjeev Goyal, Advocate,
for the petitioner.

Mr. Tejinder Pal Singh Walia, AAG, Punjab.

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KULDEEP TIWARI, J. (Oral)

1. By way of instant writ petition, as cast under Article 226 of the Constitution of India, legality of the award dated 19.07.2019 (Annexure P-12), has been put to challenge, vide which, the learned Industrial Tribunal answered the reference, under Sections 2-A and 10 (1) (c) of the Industrial Disputes Act (for short, 'the ID Act'), against the petitioner-workman.

2. Learned counsel for the petitioner, while assailing the award (supra), has raised the solitary contention that the learned Tribunal has answered the reference in sheer ignorance of the settled proposition of law, that in the event of violation of Section 25-G and 25-H of the ID Act, the workman is not required to prove that he had worked for 240 days during twelve calendar months, preceding his termination from

service. Rather, he is only obliged to plead and prove that while effecting retrenchment, the employer has violated the rule of 'last come first go', without any plausible reasons. In the instant case, he asserts, the workman categorically pleaded and proved that post his retrenchment, not only his juniors were retained in service, but a new incumbent was also appointed to take over his post. In this view of the matter, the impugned award, indeed, requires interference by this Court.

3. *Per contra*, learned State counsel, who is representing the Management, submits that neither services of the petitioner were retrenched, nor he had completed 240 days. In such a situation, he cannot be said to be covered within the ambit of 'workman'. While elaborating the submissions, he asserts that the petitioner had rendered effective service only for about two months. And, upon acquiring knowledge that petitioner was a back door entrant, and thus, his appointment was illegal, his services were put to end, vide order dated 05.04.2002, passed by Executive Officer, Panchayat Samiti Dhuri.

4. This Court has heard learned counsel for the contesting parties, has gone through the records.

5. Before delving into the rival submissions advanced on behalf of the parties, a brief narration of the facts, which is germane for effective adjudication of the matter, shall be imperative.

6. The petitioner joined the respondent-Management on 26.12.2001, as Collector at Panchayat Samiti Dhuri. He was drawing remuneration @ Rs.6300/- per month, when his services were terminated on 05.04.2002. Further, post his termination, not only a new appointment

was resorted to, but his juniors were also retained in service by the Management. In this way, he pleaded violation of Section 25-F, 25-G and 25-H of the ID Act. Upon notice, the Management filed a detailed reply to the effect that the petitioner was appointed as Tax Collector, against a vacant post in the Department of Panchayat Samiti Dhuri, vide order dated 26.12.2001, but only for six months or till the fresh appointment would be made, whichever was earlier. However, in terms of the communication dated 28.01.2002, issued by the Finance Commissioner and Secretary, Punjab Government, Rural Development and Panchayat Department, services of the petitioner were dispensed with, and intimation in this regard, was also given to him. Whereafter, one Ms. Manjit Kaur, who was posted at Sunam, after her promotion as Tax Collector, joined against the vacant post of the petitioner, as per orders dated 04.11.2015.

7. *Ex facie*, the petitioner had been engaged by the Management on 26.12.2001 (Annexure P-1), as Tax Collector against a vacant post, **for a period of six months or till fresh appointments were made, whichever was earlier**. In the interregnum, the Finance Commissioner and Secretary, Punjab Government, Rural Development and Panchayat Department, vide a communication dated 28.01.2002 (supra), had directed to abolish all the unauthorized/illegal appointments made in the District Sangrur, in which, name of the petitioner was also depicted. Accordingly, he was served with the notice dated 26.02.2002 (Annexure P-2), as to why, his services be not terminated, and was also granted three days' time to submit a reply thereto. Thereafter, he filed a

reply (Annexure P-3), but, vide order dated 05.04.2002 (Annexure P-4), his services were terminated with immediate effect. Aggrieved, the petitioner had approached this Court by filing CWP-14594-2005, which, vide order dated 20.09.2005 (Annexure P-5), was disposed of by a Division Bench, with a direction to the respondents to take a conscious decision on the demand notice filed by the petitioner, within three months, after affording him adequate opportunity of hearing.

8. In compliance to the order (supra), the Director, Rural Development and Panchayat Department passed the order dated 14.12.2005, thereby affirming the termination of the petitioner. The relevant portion of the order (supra), is extracted hereinbelow:-

> *"2. Executive Officer, Panchayat Samiti, Dhuri has not appointed the employee as per proper channel, any advertisement has not been published in any news paper nor the candidates have been demanded from Employment Office, nor their interview has been conducted nor any appointment letter has been issued after getting his interview by any committee member. The petitioner has been appointed unauthorizendly through back door.*
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> ....
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> *5. Prior to termination of services of Sh. Vinod Kumar Singla, Tax Collector, Panchayat Samiti, Dhuri, DDPO, Sangrur has issued a notice vide letter No.2109-A/PFA dt.26.06.2002 to present his defence. The employee has submitted his reply on 06.03.2002. After perusal of the reply of the written reply of the employee, his services were terminated.*
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> *6. In compliance with the orders of Hon'ble Punjab & Haryana High Court, and from the perusal of the total case of Sh. Vinod Kumar Singla Tax Collector, Panchayat Samiti,*

Dhuri, it has been decided that the services of petitioner which have been terminated by Executive Officer, Panchayat Samiti Dhuri vide letter No.7 dt.05-04-2002, has been found correct because a written notice has been issued prior to the termination of services of the employee has also submitted his reply to it. Only after perusal of the said reply his services have been terminated."

9. A thorough scrutiny of the abovesaid observations makes it abundantly clear that the matter at hand does not relate to retrenchment, rather, the appointment of the petitioner was found to be illegal, dehors of relevant services rules. As soon as this issue came to notice of the higher authority, i.e. the Finance Commissioner and Secretary, Rural Development and Panchayat Department, Punjab, he, as demonstrated above, directed to terminate the services of the petitioner. Eventually, he was dispensed with from his services on 05.04.2002. Furthermore, it has never been the case of the petitioner that he was appointed in sync with the relevant service rules; ergo, his appointment was authorized/legal.

10. As far as the sole argument raised before this Court, upon which, the entire case of the petitioner is predicated, that irrespective of completion of 240 days' service, the petitioner is entitled for reinstatement on the ground of violation of Sections 25-F, 25-G and 25-H of the ID Act, is concerned, the same was noted for the purpose of rejection only. Since inception, the petitioner could not make out any case of infraction of the provisions of the ID Act. So much so, learned counsel for the petitioner failed to point out any perversity or illegality in the impugned award.

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11. In the wake of the aforementioned reasons, this Court dissuades to interfere with the well reasoned award rendered by the learned Industrial Tribunal. Accordingly, the instant writ petition is **dismissed.**

(KULDEEP TIWARI)
JUDGE

17.03.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No