

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

210

CWP-8270-2019

Date of Decision : January 16, 2026

SURESH DEVI

-PETITIONER

V/S

**THE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT II,
CHANDIGARH AND OTHERS**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. K.K. Saini, Advocate
for the petitioner.

Mr. Abhinav Gupta, Advocate
for the respondents No.2 and 3.

KULDEEP TIWARI, J. (ORAL)

1. The present writ petition has been filed by the petitioner/
workman assailing the award dated 30.06.2016, passed by the respondent
No.1/Industrial Tribunal, whereby the reference was answered against her
and she was held not entitled to any relief.

2. The sole submission advanced by learned counsel for the
workman is that the relevant record for the period from 2000 to 2002 was
not produced by the respondents No.2 and 3/management, and, as a
consequence thereof, the workman was unable to establish completion of
240 days of service in the year preceding the termination of her services.

3. On a perusal of the impugned award, this Court specifically
queried learned counsel for the workman as to whether the cessation of
the workman's services would fall within the definition of

“retrenchment”, particularly when such cessation occurred on account of the appointment of a regular incumbent. Learned counsel failed to demonstrate that the termination of service in the present case amounted to retrenchment so as to necessitate compliance with the provisions of Sections 25-F and 25-G of the Industrial Disputes Act, 1947. The aforesaid issue has already been considered by the Industrial Tribunal.

4. The relevant extract from the impugned award is reproduced hereinbelow:-

“Similarly she worked for certain days in the month of August, September, October 1999 and she was paid the amounts claimed vide voucher Exb.3/1 and Exb.4/1. The perusal of these documents, which are admitted by the workman, clearly shows that she was not working regularly and her services were availed intermittently and she was paid for the days she worked actually.

When the workman was engaged on daily basis, the termination of her services do not amount to "retrenchment" and in support of this, reliance may be placed on Divisional Forest Officer, Rohtak Vs. Jagat Singh and another reported in 2010(2) RSJ 517. When it was observed in para 4 of the judgement as follow:-

“Hon'ble Supreme Court in Jaipur Development Authority Vs. Ramsahai and Another (supra) has held that even if there is violation of Section 25-G of the Act that will not entitled the workman to be reinstated. It may be noticed that the definition of retrenchment in Section 2(oo) of the Act is applicable to the provisions contained in chapter VA containing Sections 25-F and 25-H of the Act. The termination of daily wager is not retrenchment failing within Section 2(00)(bb) of the Act. Therefore, the workman, who is a daily wager, cannot be reinstated as it does not amount to retrenchment within the meaning of Sections 25-F and 25-G of the Act.”

Thus, the workman was engaged on daily wage basis and

is not entitled to any compensation and it cannot be said that there is any illegality in disengaging her services.

In result the reference is answered against the workman and it is held that she is not entitled to any relief.”

5. This Court finds no illegality, infirmity, or perversity in the impugned award so as to warrant interference. Accordingly, the present writ petition is **dismissed** and the award dated 30.06.2016 is upheld.

January 16, 2026
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(KULDEEP TIWARI)
JUDGE

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