



CWP-13512-2015

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

(228)

CWP-13512-2015

Date of Decision : 02.02.2026

Koyli

...Petitioner

Versus

Presiding Officer, Industrial Tribunal
cum Labour Court-II, Gurgaon and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sumeet Jain, Advocate for the petitioner.

Mr. Rajeev Malhotra, DAG, Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, cast under Article 226 of the Constitution of India, the petitioner has thrown challenge to order dated 02.09.2009 (Annexure P-2), as passed by learned Industrial Tribunal concerned (respondent No.1), wherethrough, the reference was answered against her, which propelled her to approach this Court, by filing the instant writ petition.

2. Learned counsel for the petitioner has placed reliance upon the judgment passed in CWP-31401-2025 and other connected matters, titled '*Lal Chand versus State of Haryana*', decided on 31.12.2025 to submit that petitioner was engaged on work charge basis, and therefore, she still does fall within the ambits of workman, and this aspect has not been considered by learned Tribunal concerned, while answering the reference against her. He also submits that the work which was assigned to her was perennial in nature, and therefore, the department concerned should have regularized her services,

instead, has denied the lawful right of the petitioner, on the ground, of no



work, besides the budget being available.

3. Learned State counsel, on the other hand, while protecting the legality of the impugned order, draws attention of this Court towards the claim statement filed by the petitioner to submit that there is no pleading to the effect that work which was assigned to him was perennial in nature. Therefore, in absence of any specific pleading and evidence thereon, the sole plea of the petitioner does not stand anywhere. He further submits that the workman was engaged on a daily wage basis, at different intervals, on different projects, subject to availability of work and budget, and therefore, on completion of the project, she was disengaged, and this does not tantamount to termination, or retrenchment, as defined under Section 2 (oo) (bb) of the Industrial Disputes Act, 1947.

4. This Court has considered the submissions as made by learned counsel for the parties concerned, and has perused the record available.

5. Let's have a glimpse upon the claim statement upon which the entire case hinges. It is written in the claim statement that the petitioner was appointed as Beldar on 01.01.1992, and she rendered her service upto 01.07.1997, continuously. During the said period, she worked for 2-3 months in the Department of Sub-Divisional Engineer PWD (B&R), Provisional Division No.1, PWD Rest House, Gurgaon, and in other departments. She was never given any appointment letter, identity card, leave card, wages slip etc., to prove that she had been engaged by the respondent/department concerned. Her attendance was marked on the muster roll and finally, her services were terminated in the year 1997, without giving her any reasons, written notice, dues and compensation, as per law. The threadbare perusal of the claim statement would make it vividly clear that there was no pleading with regard



to the fact that she was engaged in work, which is perennial in nature entitling her to continue working in the department concerned. In absence of any pleading or evidence, this Court cannot presume existence of such facts in abstract.

6. The basic onus upon the workman is to at least plead and make an effort to bring on record some positive evidence. It is a case where neither there is any pleading in this regard, nor any evidence was adduced to prove the nature of work.

7. Learned Tribunal concerned has categorically given finding to the effect that petitioner was engaged on daily wage basis, at different intervals, on different projects, as per availability of the work and budget, and therefore, no question arises for termination of her services.

8. Reliance as placed by learned counsel for the petitioner upon *Lal Chand’s case* would not be of any significance, as the dispute is not regarding the status of the petitioner being a workman. Rather, the dispute is only to the effect that she was engaged in specific projects, and upon completion of the project, her services were discontinued, as stated by the respondent/department. No contrary pleading or any evidence was led by learned counsel for the petitioner to disprove this fact.

9. In view of the above, this Court is of the considered opinion that the order impugned requires no interference of this Court.

10. Consequently, finding no merit in the instant writ petition, the same is hereby, **dismissed**.

(KULDEEP TIWARI)
JUDGE

February 02, 2026
Manpreet