



CWP-17329-2015

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

(225)

CWP-17329-2015

Date of Decision : 29.01.2026

Vinod Shah

...Petitioner

Versus

Presiding Officer, Industrial Tribunal
cum Labour Court, Rohtak and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sandeep K. Sharma, Advocate and
Mr. Utsav Sharma, Advocate
for the petitioner.

Mr. Ashwani Talwar, Sr. Advocate with
Ms. Pratiksha Sharma, Advocate
for respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. The legality of award dated 10.04.2015 (Annexure P-4), as passed by learned Industrial Tribunal cum Labour Court, Rohtak, has been put to challenge by the petitioner/workman, through the instant writ petition, cast under Article 226 of the Constitution of India.

2. Learned counsel for the petitioner submits that services of the petitioner were retrenched by respondent No.2/Management, without making compliance to provisions of Section 25(F) of the Industrial Disputes Act, 1947 (for short 'the ID Act'). He further submits that the factum of appointment of the petitioner/workman, with the respondent No.2/Management, on 08.01.2005, and continued till 16.03.2009, is not in dispute. Further, the petitioner/workman, has been able to prove that he worked for 240 days in the preceding year, before termination of his services, therefore, the protection



granted to the petitioner/workman, in terms of the provisions of Section 25(F) of the ID Act, should have been afforded to the petitioner/workman, by answering the reference in his favour by learned Tribunal concerned.

3. In the instant case, through a demand notice and claim statement, it was pleaded by the petitioner/workman, that he was appointed as a Helper, by respondent No.2/Management, on 08.01.2005, and he worked continuously upto 16.03.2009. However, when the petitioner/workman requested for his annual promotion, the respondent No.2/Management illegally terminated his services, without giving him any notice or payment of retrenchment compensation, which is a violation of Section 25(F) of the ID Act, entitling him for the relief of reinstatement with full back wages.

4. The respondent No.2/Management, through their written statement took a specific plea that services of the petitioner/workman, was never terminated, rather he did not turn up for work after 16.03.2009, and in this regard, a notice dated 24.03.2009, asking him to report at the job was also issued. However, despite the said notice, the petitioner/workman did not report to the work/job. Even, during the conciliation proceedings, he was asked to report to work/job, but he refused to accept the aforesaid offer. Finally, it is submitted that services of the petitioner/workman, was never terminated, rather, it is a case of voluntary absence from the work/job.

5. Learned Tribunal concerned, after considering the evidence led by both the parties, answered the reference against the petitioner/workman, by observing that it is a case of voluntary absence from the work, and services of the petitioner/workman, was never terminated by the respondent No.2/Management. The only submission made before this Court by learned counsel for the petitioner, is that there is no evidence led by the respondent



No.2/Management, which could establish his voluntary absence from the duty, therefore, the evidence was erroneously appreciated by the learned Tribunal concerned, and the same requires interference of this Court.

6. This Court has examined the sole submission, as made by learned counsel for the petitioner, and finds no merit.

7. The Management-witness, who stepped into the witness box, as MW-1, placed on record notice dated 24.03.2009 as Exh.M-1, wherein, it has been stated that the petitioner/workman had been absenting himself from the work since 16.03.2009, requiring him to immediately report to duty. Even, the workman's witness No.2, has admitted that the petitioner/workman, never went to the respondent No.2/Management, after 16.03.2009.

8. In view of the specific evidence, which clearly reflect that the petitioner/workman never went to the respondent No.2/Management, after 16.03.2009, learned Tribunal concerned, has rightly answered the reference against the petitioner/workman. The relevant is extracted hereinafter :-

“3. The management-respondent in its written statement has pleaded that reference is bad in law because the management-respondent has never terminated the services of the workman. The workman joined the services of the management-respondent as a Helper only on 1.8.2006. The workman did not turn up for work after 14.3.2009. A notice dated 24.3.2009 asking the workman to report to the job was issued but despite the aforesaid notice the workman did not report to the job. The workman was asked to report to work even during conciliation proceedings but the workman refused to accept the aforesaid offer. The



management-respondent till date has not terminated the services of the workman. On the basis of foregoing pleadings the management-respondent has prayed that the claim filed by the workman be dismissed.”

9. This Court is of the considered opinion that the findings, as returned by the learned Tribunal concerned, needs no interference of this Court, as the same is not suffered with any perversity or illegality. Consequently, the instant writ petition is **dismissed**

(KULDEEP TIWARI)
JUDGE

January 29, 2026
Manpreet

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