



**CWP-18972-2016 with
CWP-20617-2016**

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

(246)

Date of Decision : 05.02.2026

1. CWP-18972-2016

Babli @ Roshni

...Petitioner

Versus

Presiding Officer, Labour Court, Ambala
and others

...Respondents

2. CWP-20617-2016

Rupa

...Petitioner

Versus

Presiding Officer, Labour Court, Ambala
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Harish Goyal, Advocate
for the petitioner(s) in both the cases.

Mr. Vivek Chauhan, Addl. AG, Haryana.

KULDEEP TIWARI, J. (ORAL)

1. The common issue arises for consideration in both the instant writ petition(s), therefore, with the consent of the parties, the same are taken up together for adjudication.

2. For the sake of brevity, the facts of CWP No.18972-2016, are being taken for adjudication of the *lis*.



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3. In the instant writ petition, the reference was answered against the workman with the observation that she has failed to produce any document to establish that she has worked for more than 240 days in the calendar year, from January, 2002, till the termination of her services, in the month of February, 2014. Learned counsel for the petitioner submits that the petitioner has made an endeavor to produce the relevant documents, through the Management witness, and also summoned the record relating to the period from 1988 to 2009. However, the same was not produced, either on the premise that the same have been weeded out, or the relevant document has been lost *qua* which a DDR was also got registered. He submits that the said plea was taken only to deprive the petitioner/workman of her rightful dues, and therefore, the learned Tribunal concerned, ought to have taken the adverse inference against the respondent/Management, and thereupon, to hold that the petitioner/workmen has completed 240 days in the preceding year.

4. On the other hand, learned counsel for the State, submitted that it is a case of no evidence. The petitioner/workman was unable to produce any document, to substantiate that she has completed 240 days in the preceding year. In absence of any substantive evidence, adverse inference cannot be taken against the respondent/Management, and therefore, the learned Tribunal concerned, had passed the order rightly.

5. This Court has considered the submissions as made by both the parties concerned. In the instant case, the petitioner/workman served a demand notice, which was subsequently converted into a reference, stating therein, that she was appointed as Beldar-cum-Mali, in the year 2002, by the Forest Department, for germination and maintenance of the plants, and she worked



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abruptly brought to an end, in violation of mandatory provisions of Section 25 (F) of the Industrial Disputes Act, 1947 (for short 'the ID Act').

6. It is the positive case of the petitioner that she has worked for 240 days, in the preceding year before termination of her service. At the relevant time, she was working in HUDA Nursery. It is also the case of the petitioner that in order to adjust the junior worker, her services were terminated, whereas, the person junior to her is still working, which is a violation of the provisions of Section 25(G) and 25 (H) of the ID Act.

7. The respondent/Management, on the other hand, refuted the stand of the petitioner, while stating that the petitioner/workman has never completed 240 days, during the preceding 12 months, meaning thereby, that there was no relationship of employer and employee between them. It was further categorically submitted, that the Government of Haryana, had introduced a contract system, to carry out different forestry operations, instead of maintaining muster roll system since 2003 onwards, and therefore, no question for engaging any labourer, directly by the department concerned, arises at all.

8. During the pendency of the proceedings before the learned Tribunal concerned, the workman got produced one Naresh Kumar, working as Forester, in the office of DFO, Kaithal, as WW-2, who testified that the summoned record relating to the period from 1988 to 2009, has been weed out, as per letter dated 20.06.2012. The Management had also examined one witness, namely, Anil Sheoran, Range Forest Officer, Kaithal, as MW-1, who also stated that the muster roll system had been replaced by the contract system, as introduced by the Govt. of Haryana, through a letter dated



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for the period 1988-89, and from 2008-09, have been weeded out by the DFO, Kaithal, vide order No.30 dated 20.06.2012. He further submitted that the record related to the list of muster rolls, which were weeded out were lost, regarding which, a DDR No.12 dated 22.07.2015 (Exh.M-3) was lodged in Police Station, Pundri. Learned Tribunal concerned finds that not even single evidence was produced by the petitioner/workman, so as to establish that she worked for 240 days in the preceding year.

9. This Court, during the course of arguments, has put a specific query to the learned counsel for the petitioner, as to whether, there is any evidence, which would establish that the petitioner has worked for 240 days, or she was employed by the respondent/Management, to which he draw the attention of this Court towards Annexures P-5 to P-15, which are the cash receipts, issued by the Forest Department, Labour Union, Haryana, to substantiate that the petitioner was a member of the union, which is sufficient to establish that she worked for 240 days in the preceding year.

10. This Court finds that the submission as made by the petitioner does not carry any merit. Though, it is an established law that in case, relevant evidence is not produced or withheld, adverse inference can be taken against the Management. However, in the absence of any evidence, this Court cannot presume the existence of a fact in abstract until and unless, some positive or cogent evidence is produced before the learned Tribunal concerned. In fact, it is a case of no evidence. Therefore, this Court is of the considered opinion that the order impugned, does not require any interference of this Court.

11. Consequently, finding no merit in the instant writ petition(s), the same are hereby **dismissed**.



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- 12. Pending applications, if any, stands disposed of accordingly.
- 13. Photocopy of this order be placed on the connected case file, as numbered above.

(KULDEEP TIWARI)
JUDGE

February 05, 2026
Manpreet

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