



CWP-20717-2016

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

(240)

CWP-20717-2016

Date of Decision : 27.04.2026

Jage Ram

...Petitioner

Versus

Presiding Officer, Labour Court, Rohtak and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Himanshu Sharma, Advocate
for the petitioner.

Mr. S.K. Verma, Advocate
for respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, cast under Article 226/227 of the Constitution of India, a challenge is thrown to the award dated 14.01.2015 (Annexure P-9), passed by learned Labour Court, Rohtak (respondent No.1), wherethrough, the reference was answered against the workman, and it was held that he has rightly been paid off being a seasonal employee.

2. What surfaced from perusal of the entire record is, that the services of the petitioner were earlier terminated, and the same was challenged by the petitioner/workman, by raising a reference under Section 10 (i) (c) of the Industrial Disputes Act, 1947 (for short 'the ID Act'). The said reference was answered in favour of the petitioner/workman, and the contention of the petitioner/workman, that he was a seasonal employee, was

not accepted rather, there was a positive finding, to the effect, that the



respondent/Management, has failed to establish that the nature of work was seasonal, and the petitioner/workman, has himself left the service. The relevant observations of learned Tribunal, is extracted hereinafter :-

“17. I have perused the entire evidence carefully. There is not even an iota of evidence on record to show that the job on which the petitioner was engaged was as per need of work or of seasonal nature or that the job which was done by the petitioner was no longer required which resulted in termination of his services. MW-2 Jai Narain, Time Keeper, Sugar Mill, Meham has stated that season of the mill is from November to April. He has also admitted that as per working detail Ex.M-1 the petitioner had continuously worked for 10 months i.e. from April to January 1994. The working detail Ex.M-1 shows that the petitioner had continuously worked from April 1993 to January 1994 which itself belies the contention of the petitioner's counsel that nature of work of the petitioner was of seasonal nature i.e. from November to April/ The petitioner was admittedly working as mason and there was no evidence on record to show that his service was terminated as there was no work left for mason. Under such circumstances to buttress his contention counsel for the petitioner rightly relied upon State of Haryana Vs Shiv Charan's case (supra) and in case State of U.P. Vs Rajinder Kumar Batola reported 2000 FLR (84) 896 wherein the petitioner, a daily wager was ordered to be reinstated as there was no evidence to show that the job on which the petitioner was appointed no longer required. 18. The authority of Aangrej Singh's case (supra) is not applicable to the facts and circumstances of the present case as in that case the petitioner had himself stopped coming to the duty on account of registration of a criminal case and from the evidence led by the management it was proved that the workman was paid



only for crushing season as a daily wager In the present case the management has failed to prove that nature of work was of seasonal nature and he himself left It was the duty of the management to maintain the seniority list of daily wagers in view of the rule 77 of the I.D. (Central) rules 1957 and then for future appointed was to be made on the basis of seniority of the employees. The contention of the of the management's counsel that the petitioner cannot be given any benefit of the Act on account of gap between the removal of service of the petitioner and appointment of Jai Bhagwan R/o vill. Madina, is devoid of merit in view of the law laid down by the Hon'ble High Court in case Punjab School Education Board Vs The Presiding Officer, Labour Court, Bathinda and another 200(3) RSJ 689. Thus there is violation of Section 25-G and 25-H of the Industrial Disputes Act, 1947.”

3. Finally, learned Tribunal passed the award on 28.05.2008 (Annexure P-1), and awarded the petitioner/workman, the relief of reinstatement on his previous post and status from the date of the award, but without any back wages. The relevant is extracted hereinafter :-

“23. In view of my finding on the foregoing issues, it is held that the services of the workman has been terminated illegally, therefore, he is entitled to be re-instated on his previous post and status from the date of Award without any back wages. In this way I decide this reference in favour of the workman and against the mgt. Award is passed accordingly. File be consigned to record room.”

4. The legality of the award (supra), was contested by the respondents/Management. However, they failed in their attempt, and therefore, the findings of the learned Tribunal, has attained the finality. In

pursuance of the award (supra), the petitioner/workman, was reinstated.



However, his services were again terminated on 20.02.2010. This time too, the respondents/Management, took the similar plea. However, without considering the earlier findings, which has attained the finality, learned Tribunal, vide order dated 14.01.2015 (Annexure P-9), has erroneously held that the services of the petitioner/workman, being a seasonal employee was not terminated, but was merely paid him off.

5. This Court is of the considered opinion that the said findings of learned Tribunal, is totally perverse and against the established service status of the petitioner/workman, and therefore, the same requires interference of this Court. The relevant findings of learned Tribunal, is extracted hereinafter :-

“12. The crux of the above discussion is that the workman in his testimony as WW-1 has himself admitted that the management-respondent has not again terminated his services but has merely paid him off, therefore, the issue No.1 is accordingly decided against the workman.”

6. Considering the totality of facts and circumstance of the instant *lis*, the impugned award is **set aside**, and the matter is **remitted back** to learned Tribunal concerned, for deciding the issue afresh, within a period of six months, from the date of receipt of certified copy of this order, after affording due opportunity of hearing to the petitioner/workman.

7. Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

April 27, 2026
Manpreet

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