
(2000) 08 P&H CK 0009
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 9919 of 2000

Executive Engineer, PWD Public Health Division, Fetehabad	APPELLANT
Vs	
Ram Karan	RESPONDENT

Date of Decision : 28-08-2000

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Industrial Disputes Act, 1947 — Section 25

Citation : (2001) 1 LLJ 705

Hon'ble Judges : S.S. Sudhalkar, J; Mehtab S. Gill, J

Bench : Division Bench

Advocate : Mr. Raghubir Choudhary, Deputy Advocate General, for the Appellant;

Judgement

Mehtab S. Gill, J.—Under challenge in this writ petition filed under Articles 226/227 of the Constitution of India is the award rendered by

the Presiding Officer, Labour Court-cum-Industrial Tribunal, Hisar, copy Annexure P6, whereby reference has been answered against the

petitioners and in favour of respondent-workman to the effect that the termination of his services was not in order but was justified. By the

impugned award, the respondent-workman has been entitled for reinstatement, with continuity, with all other consequential benefits and 25% back

wages from the date of his demand notice dated May 15, 1997 till reinstatement.

2. The grounds of challenge are that the respondent-workman was never appointed against a regular/sanctioned post; that he was on daily wages

and unskilled labourer on purely day to day basis against a specific work as per requirement of work to be done and availability of the daily

wages; that no appointment letter was issued to the respondent-workman; that

the respondent- workman, thus, cannot be considered as a workman under the definition of Industrial Disputes Act, 1947; that the services of the respondent-workman were retrenched with effect from March 6, 1997 after complying with the provisions of Section 25F of the Industrial Disputes Act and that the services of respondent No. 1 were terminated as per instruction dated August 16, 1996 issued by the Engineer-in-Chief, Haryana, as there was financial crunch being faced by the State Government.

3. The stand of respondent-workman was that inadequate retrenchment compensation was paid to him and that juniors to him were retained in service which is in violation of provisions of Sections 25F and 25G of the Industrial Disputes Act.

4. The learned Labour Court-cum-Industrial Tribunal, Hisar after considering the rival claims of the parties passed the impugned award, as notice earlier.

5. We have heard Mr. Raghubir Chaudhary, Senior Deputy Advocate General, Haryana for the petitioners and perused the contents of the writ petition as also the annexures attached there with.

6. Admittedly, the services of the petitioner were retrenched as per instructions of the Engineer-in-Chief which were to the effect that there was surplus staff and due to financial crunch on the State Government, the petitioner could not be kept in service. Thus, the services of all the daily paid laboures who were employed after May 1, 1995 were terminated. Shri Rarn Karan has stated in his testimony that many persons were employed even after termination of his services. This statement of workman goes unchallenged in his cross-examination. Thus, it is deemed to have been admitted.

With the above observations, the writ petition is dismissed.

7. Petition dismissed.