
(2001) 07 P&H CK 0107
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 2502 of 1999

Mewa Singh

APPELLANT

Vs

Presiding Officer, Labour Court, Ambala

RESPONDENT

Date of Decision : 11-07-2001

Acts Referred:

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

Citation : (2001) 07 P&H CK 0107

Hon'ble Judges : S.S. Nijjar, J

Bench : Single Bench

Advocate : Mr. Maharaj Kumar, for the Appellant; Mr. N.K. Joshi, AAG, for the Respondent

Final Decision : Dismissed

Judgement

S.S. Nijjar, J.—This petition under Articles 226/227 of the Constitution of India seeks quashing of the Award dated 10.10.1996 passed by the Labour Court, Ambala wherein it has been held that the petitioner is not entitled to any relief.

2. According to the petitioner, he was appointed as Beldar in the office of respondent No. 2 on 1.1.1988 on daily wages. Services of the petitioner were terminated by respondent No. 3 on 23.5.1992. Since no notice or salary for one month was given in compliance of Section 25(F) of the Industrial Disputes Act, 1947, the petitioner claimed to be entitled to reinstatement. Aggrieved by the illegal termination, the petitioner served demand notice on 10.12.1992. A reference was made to the Labour Court, Ambala by the State Government. The claim of the petitioner was resisted by the respondents. It was stated that the petitioner had not completed 240 days in the year preceding the termination of his services. The Labour Court framed a number of issues. Issue No. 1 was - Whether the termination of service of the workman is invalid and illegal as alleged ? The petitioner appeared as his own witness. He claimed that his services had been wrongly terminated. He also claimed that certain other

workmen had been employed after his services were illegally terminated. The Management produced the record to show that the petitioner had not completed 240 days in the year preceding the date of his termination from services. After going through the record, the Labour Court has given a finding of fact that the workman did not render 240 days in the year preceding the date of termination of his services. Even the representative appearing on behalf of the workman was not able to controvert the arguments raised by the representative of the Management. The Labour Court in its award observed as under :-

"On the basis of testimony adduced by the workman and his witness it was fairly conceded by the representative that the workman did not complete 240 days service in preceding year prior to his date of removal from service. Besides this the workman also failed to prove on record that junior employees were retained in service after his removal from service and principles of last-come-first go was not followed. It was categorically deposed by MW1 that no employee junior to workman was retained in service. The workman could not controvert the categorical testimony of this witness."

In view of the aforesaid finding of fact, this Court would not be justified in interfering with the award while exercising its jurisdiction under Articles 226/227 of the Constitution of India. Dismissed. No order as to costs.

3. Petition dismissed.