

(2010) 12 P&H CK 0418
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 13572 of 2009

Ramphal

APPELLANT

Vs

The Executive Engineer, Sub Urban Div. (UHVPN) Ltd. and
Another

RESPONDENT

Date of Decision : 15-12-2010

Acts Referred:

Industrial Disputes Act, 1947 — Section 25, 25F, 25G, 25H

Citation : (2010) 12 P&H CK 0418

Hon'ble Judges : Ranjit Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ranjit Singh, J.—The Petitioner-workman has come to impugn the award passed by the Labour Court dated 31.3.2009. As per the claim, the workman was employed as part time Sweeper by the Management, but his services were terminated in October, 2001 without assigning any reason or reasonable cause. The workman would allege that he has completed 240 days in a calendar year preceding his termination and as such the termination without paying any retrenchment compensation would be in violation of the provisions of Section 25 of the Industrial Disputes Act (for short "the Act").

2. In the written statement filed, the Management had taken an objection that workman was never appointed on regular basis. It is admitted that the Petitioner was employed as part time Sweeper. While replying on merits, it is stated that workman remained absent from 1.9.1998 to 31.5.1999 and thereafter he had worked upto 28.7.2001. No junior was working with the Management and as such there was no violation of provisions of Sections 25G and 25H of the Act.

3. The whole issue requiring determination, thus, was to see whether the workman had completed 240 days in the year preceding the date of his termination. This issue was accordingly struck and was considered by the Labour Court.

4. Except for self-serving statement made by the workman, there is no material on record to show or to prove the details showing that the workman had worked for 240 days or more in the year preceding the date of his termination. Specific stand taken by the Respondent-Management was that workman had never continuously worked for 240 days in any calendar year. The finding is, thus, that the workman had failed to prove that he had worked for 240 days. That being a finding of fact, the Petitioner cannot claim benefit of provisions of Section 25F of the Act. Otherwise also, reference is made to large number of judgments to say that once the workman was appointed de hors the rules, the claim for compensation would not be maintainable.

5. In view of this factual position, no case for interference in the impugned award is made out. The writ petition is accordingly dismissed.