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**(2000) 12 P&H CK 0065**

**In the Punjab And Haryana At Chandigarh**

**Case No :** Civil Writ Petition No. 11556 of 1999

State of Haryana

APPELLANT

Vs

Mandhu Ram

RESPONDENT

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**Date of Decision :** 05-12-2000

**Acts Referred:**

Industrial Disputes Act, 1947 — Section 2, 25

**Citation :** (2000) 12 P&H CK 0065

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

**Bench :** Division Bench

**Advocate :** Mr. Raghbir Chaudhary, Deputy A.G, for the Appellant;

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**Judgement**

S.S. Sudhalkar, J.—By this writ petition, the employer is challenging the ex-parte award of the Labour Court dated June 7, 1995 (copy, Annexure P-4) and also order dated April 26, 1999 (Copy annexure P-6) vide which the labour Court declined the request for setting aside the ex-parte award.

2. We have heard learned counsel for the petitioner.

3. Learned counsel for the petitioner has argued that the Labour Court has gone on technicalities and has erred in holding that it could not set aside the ex-parte award after completion of 30 days of the publication of the award. He has cited the case of Satnam Verma Vs. Union of India (UOI), in support of his contention. However, the award (Annexure P-4) shows that the Labour Court has upheld the version of respondent No. 1 that he was appointed as a Beldar on November 5, 1992 and his services were terminated on June 1, 1994 without giving any notice or pay in lieu thereof and retrenchment compensation. His services were terminated without due compliance of Section 25F of the Industrial Disputes Act.

4. We, therefore, asked the learned counsel for the petitioner to show as to how the writ petitioner intends to challenge this finding of the Labour Court. He has drawn our attention to paragraph 5 of the writ petition. However, paragraph 5 of the writ petition does not show how the petitioner is challenging the finding of

the Labour Court. Paragraph 5 of the writ petition is reproduced as under :

"5. That respondent No. 2 vide his ex-parte award dated ,7.6.95 (copy attached as Annexure P-4) held that as none for management appeared on 25.4.95 for filing of claim statement therefore the management is proceeded ex-parte. It was further held that the workman had served the respondent deptt. for more than 240 days of service during 1 calender year and his services were terminated without compliance of Section 25F of Industrial Dispute Act, hence retrenchment is ille-gal and therefore workman is entitled to be rein-stated with continuity of service with full back wages."

5. Thereafter, learned counsel for the petitioner has drawn our attention to paragraph 8(iii) of the writ petition, which is reproduced below:

"8(iii) That respondent No. 1 was employed on daily wages as Beldar on 5.11.92 and he worked upto 31.5.1994. He was engaged as unskilled labourer only purely on daily wages on muster roll against a particular (sic) on completion of which his services no longer required, whether any post sanctioned or unsanctioned."

6. Learned counsel for the petitioner states that the work for which respondent No. 1 was engaged is now over and, therefore, he could not be continued. He has also relied on paragraph 1 of annexure P-3 which is reply to the demand notice. Paragraph 1 of the reply is reproduced as under :-

"The contents of para No. 1 are wrong and denied. The applicant was engaged as casual labour on Temporary Muster Roll on daily wages against a specific work in a specific period."

7. The petitioner is having the finding of the Labour Court against him. The petitioner should have come forth to state that Respondent No. 1 was employed on a particular work which is now not available. Instead, it has taken a vague plea in the writ petition.

8. Learned counsel for the petitioner has argued that he is not required to show in the written statement the complete particulars of the work. Be that as it may, we do not comment on the said argument. However, in the writ petition, when the petitioner has come to challenge the award also, it should have been specific in mentioning the work for which respondent No. 1 was engaged. Therefore, the petitioner has not been able to show even prima facie that the finding of the Labour Court deserves any interference even by way of setting aside the ex-parte award.

As a result, the writ petition is, therefore, without merit and is dismissed.

9. Petition dismissed.