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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-6721 of 2023

Date of decision: 12.05.2026

**M.C.M. D.A.V. Centenary Public School, Mission Road,
Pathankot and another**

.... Petitioners

Vs.

Industrial Tribunal, Amritsar and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rajdeep Singh Cheema, Advocate,
for the petitioners.

Mr. Vishal Aggarwal, Advocate, with
Ms. Aastha Sharma, Advocate,
for respondent No.2.

KULDEEP TIWARI, J (Oral)

1. The reference made under Section 2-A and 10 (1) (C) of the Industrial Disputes Act, 1947 (for short, 'the ID Act') was answered in favour of respondent No.2 (workman) through an Award dated 22.11.2022 (Annexure P-8), whereby he was granted the relief of reinstatement with full back wages from the date of termination from service till the date of reinstatement and other consequential benefits which accrued by virtue of his employment with the management. This caused grievance to the petitioner-management, which propelled it to file the instant petition, as cast under Articles 226/227 of the Constitution of India.

2. The only argument raised by the learned counsel for the petitioners before this Court is that there was no cogent evidence or sufficient reason for the learned Tribunal concerned to conclude that Ex.R-1 to Ex.R-3, appended with the instant petition as Annexures P-13 to P-15, were fabricated documents. Learned counsel further submits that these documents go to the root of the matter, as they establish that the workman was appointed for a specific tenure and, upon expiry of the said period, the relationship of employer and employee automatically came to an end. By referring to Ex.R-1 (Annexures P-13), he further contends that the respondent-workman was engaged for a fixed term from 01.04.2013 to 31.03.2014 and, after completion of the said term, his services were dispensed with, and therefore, in view of Section 2(o)(bb) of the ID Act, this would not tantamount to retrenchment thereby giving any cause of action for the respondent-workman to invoke the mischief of Section 25-F of the ID Act.



3. Learned counsel for respondent No.2, on the other hand, submits that respondent No.2 was initially appointed on 01.03.2001 and continued to work till 31.03.2014. He further submits that this factual aspect has not been disputed by the petitioner-management. He further submits that the nature of work performed by respondent No.2 was perennial in nature; however, by granting short-term extensions from time to time, the management kept on renewing his contract continuously for 14 years. He contends that the deliberate practice of creating breaks in service through repeated renewals was adopted only to deprive respondent No.2 of the benefits available under the ID Act, and such conduct squarely falls within the ambit of “unfair labour practice”. He further submits that the learned Tribunal concerned has duly considered this aspect and rightly held the action of the management to be an “unfair labour practice”. Learned counsel further argues that Annexures P-13 to P-15, even if assumed to be genuine and authentic documents, would not alter the status of respondent No.2-workman, since he had continuously remained engaged and had been working with the petitioner-management since 2001.

4. This Court has considered the submissions of the learned counsel for the parties.

5. In the instant case, respondent No.2-workman raised an industrial dispute by filing a claim statement, *inter alia*, pleading that he had joined the services of the petitioner-management on 01.03.2001 as a Graduate Clerk and continuously worked on the said post till 31.03.2014. It was further averred that on 31.03.2014, the management orally terminated his services without issuing any show cause notice and without payment of retrenchment compensation. The management contested the claim by filing a written statement and raised a preliminary objection regarding the maintainability of the claim petition on the ground that the case of the workman was covered under Section 2 (oo) (bb) of the ID Act, as the appointment was for a fixed term. It was contended that upon expiry of the contractual term, cessation of employment would not amount to “retrenchment”, thereby not requiring compliance with the provisions of Section 25-F of the ID Act. The management further specifically pleaded that the case in hand was not one of retrenchment.

6. The parties led evidence and, upon conclusion of the trial, the learned Tribunal concerned passed the impugned Award. The learned Tribunal concerned returned a categorical finding that the management had indulged in “unfair labour practice” by creating short breaks in the service of the workman, despite the fact that he had been continuously working with it since 2001. The



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learned Tribunal concerned specifically recorded a finding that the respondent-workman remained in continuous service with the management from 01.03.2001 till 31.03.2014. It further observed that the management had deliberately introduced intermittent breaks in service and failed to furnish any plausible explanation as to why the workman was repeatedly re-appointed on the very same post for almost 14 years. On the basis of the aforesaid findings, the learned Tribunal has rightly concluded that the conduct of the management amounted to “unfair labour practice” and consequently granted the relief of reinstatement with full back wages. This Court had also put a specific query to learned counsel for the petitioners as to whether the stand of the management was that the workman had served only from the year 2013 to 2014, as sought to be reflected from Ex.R-1 (Annexure P-13). In response thereto, learned counsel for the petitioners fairly conceded that the respondent-workman had, in fact, been working with the management since 01.03.2001.

7. In view of the above findings, and as no illegality or perversity has been pointed out by the learned counsel for the petitioners warranting interference by this Court in the well-reasoned Award (*supra*) passed by the learned Tribunal concerned, the instant petition stands **dismissed**.

(KULDEEP TIWARI)
JUDGE

12.05.2026
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No