

ITEM NO.54

COURT NO.8

SECTION XV

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6074/2007

(From the judgement and order dated 29/09/2006 in CWP No. 15897/2006
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SONEPAT CO-OP.MKT. STY LTD.

Petitioner(s)

VERSUS

PRESIDING OFFICER & ANR.

Respondent(s)

(With prayer for interim relief and office report)

WITH SLP(C) NO. 6125 of 2007(With office report)

Date: 10/03/2008 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE AFTAB ALAM

For Petitioner(s) Dr. Ramesh K. Haritash, Adv.

Mr. Sanjay K. Hadala, Adv.

Dr. Kailash Chand,Adv.

For Respondent(s)

Mr. P.S. Patwalia, Sr. Adv.

Mr. Amanpreet S. Rahi, Adv.

Mr. D.K. Tripathi, Adv.

Mr. Jaswant Hersoya, Adv.

Mr. Jagjit Singh Chhabra,Adv.

UPON hearing counsel the Court made the following
ORDER

SLP(C) No. 6125/2007

Heard learned counsel for the parties.

This petition is directed against the judgment and order dated
10.10.2006 passed by the Division Bench of the High Court of Punjab &
Haryana at Chandigarh whereby the Division Bench has affirmed the Award
dated 13.4.2006 passed by the Industrial Tribunal. The Tribunal vide its
order dated 13.4.2006 has directed that termination of the workman-
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respondent No. 2 (Rambir) herein was in violation of Section 25 F of the
Industrial Disputes Act, 1947 and therefore the Tribunal has directed
reinstatement of respondent No.2 with continuity in service but without
payment of back wages.

Learned counsel for the petitioner has submitted that respondent
No.2 was appointed for a seasonal work on daily wage basis and not on a
regular post. He has invited our attention to the statement of MW-1 Laxmi

Narain wherein he has deposed that the respondent No. 2 was employed for the seasonal work during the purchase of wheat & jiri and was discharged after the season was over and therefore his employment was only seasonal and not a regular employment.

Be that as it may, the Tribunal has awarded reinstatement with continuity in service but without payment of back wages as the termination of the respondent No. 2 was in violation of Section 25F of the Industrial Disputes Act.

Having regard to the facts and circumstances of the case, we direct that the respondent No. 2 shall be reinstated in service but without any continuity in service and without payment of back wages. If the stand of the petitioner is that respondent No. 2 was employed for seasonal work only, then it will be open for the petitioner to terminate the services of respondent No. 2 after complying with the requirements of Section 25F of the Act and in accordance with law.

With the abovesaid observations, the special leave petition stands disposed of.

SLP(C) No. 6074/2007

The present petition is filed against the judgment and order dated
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29.09.2006 passed by the Division Bench of the High Court of Punjab & Haryana at Chandigarh whereby the Division Bench has affirmed the Award dated 20.2.2006 passed by the Labour Court, Panipat. By its Award the Labour Court has directed reinstatement of respondent No. 2 herein (Jitender) with continuity in service and payment of full back wages.

Learned counsel for the petitioner has submitted that respondent No. 2 was appointed as Peon-cum-chowkidar on daily wage basis. In this regard he has invited our attention to the statement of MW-1 Lakshmi Narayan wherein it has been deposed by the witness that respondent was appointed as a daily wage worker during the wheat purchase and rice purchase season and as the season was over he was discharged. In cross-examination the said witness has deposed that respondent No. 2 herein (Jitender) was appointed for the first time on 1.7.2002 when wheat and jiri season was not there but he was kept to look after the bricks in the plot and that after completion of the construction work his services were terminated.

Be that as it may, we are not inclined to grant continuity in service with back wages to respondent No. 2. Therefore, while maintaining the Award of reinstatement of respondent No. 2, we set aside that part of the Award of Labour Court whereby respondent No. 2 has been granted continuity in service with back wages. If it is the stand of the petitioner that respondent No. 2 was employed on daily wages only, it will be open for the petitioner to now terminate the services of respondent No. 2 in accordance with law.

With the above observations, the special leave petition stands disposed of.

(Ajay Kr. Jain)
Court Master

(Vijay Dhawan)
Court Master