

(1994) 01 P&H CK 0016

High Court Of Punjab And Haryana At Chandigarh**Case No:** Civil Writ Petition No. 8932 of 1992

State of Haryana

APPELLANT

Vs

Ved Pal and Others

RESPONDENT

Date of Decision: Jan. 27, 1994**Acts Referred:**

- Industrial Disputes Act, 1947 - Section 25F

Citation: (1994) 106 PLR 557**Hon'ble Judges:** N.K. Kapoor, J; A.L. Bahri, J**Bench:** Division Bench**Advocate:** Arun Nehra, Addl. AG, for the Appellant; B.R. Gupta, for the Respondent**Final Decision:** Allowed

Judgement

A.L. Bahri, J.

State of Haryana has challenged award of the Labour Court Annexure P-1, dated April 10, 1992 in this writ petition. The sole ground of challenge is that in fact respondent No. 1 Ved Pal, the workman, had not completed 240 days of service prior to the date of termination, i.e. November 29, 1987, within a period of twelve months and the Labour Court had wrongly allowed benefit of rest days, making a month of 35 days, which is not permissible.

2. In the writ petition, the period of service of the workman-respondent No. 1 from December 1, 1986, to November 29, 1987, has been clarified monthwise. Total working days are 213, which fact is not disputed in the written statement filed by the workman. For example it may be mentioned that for the months of December, 1986, and January, 1987, 31 days were counted. For the months of April and May, 1987, 30 days were counted. The Labour Court considered the judgment of Supreme Court in [Workmen of American Express International Banking Corporation Vs. Management of American Express International Banking Corporation](#), wherein it was held that credit of Sundays and paid holidays is to be given to the workman. However, in the

present case, the labour Court has given credit of rest days, by making a month of 35 days, which is not permissible in law; Since the services of respondent No. 1 were terminated before completing 240 days in twelve months prior to the alleged date of termination, no retrenchment compensation, as required u/s 25F of the Industrial Disputes Act, was payable to him. His termination, therefore, could not be held to be illegal. The award Annexure P-1 is, therefore, quashed. The writ petition stands allowed accordingly. No order as to costs.