

## State of Haryana Vs Ved Pal and Others

**Court:** High Court Of Punjab And Haryana At Chandigarh

**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.