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**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE  
HON'BLE SHRI JUSTICE VIVEK AGARWAL  
ON THE 22<sup>nd</sup> OF APRIL, 2024**

**WRIT PETITION No. 13405 of 2014**

**BETWEEN:-**

**MAUSHAD ALI S/O SHRI IKRAR ALI, AGED ABOUT 46**  
[REDACTED]

**.....PETITIONER**

***(BY SHRI ASHISH MISHRA - ADVOCATE)***

**AND**

**TELECOM DISTRICT MANAGER SAGAR SAGAR  
(MADHYA PRADESH)**

**.....RESPONDENT**

***(BY SHRI CHANDRA MOHAN PARNAMI - ADVOCATE)***

*This petition coming on for orders this day, the court passed the following:*

**ORDER**

This petition is filed by the petitioner Naushad Ali, being aggrieved of the award dated 23.05.2014, passed by the Central Government Industrial Tribunal-cum-Labour Court in Case No.CGIT/LC/R/5/2003, whereby, claim of the workman for reinstatement on account of illegal termination and non-compliance of the provisions contained in Section 25F.N of Industrial Disputes Act, has been dismissed, on the ground that the petitioner, who was engaged in May 1986, and worked till July 1990 as a casual labour, never worked for 240 days in a calendar year and therefore, provisions contained in Section 25F.N of the Industrial Disputes Act, are not attracted.

2. Shri Mishra, learned counsel admits, as is mentioned in para 6 of the award that in 1988, he had completed 185 days, in 1989, 207 days, in 1990, 107 days and he had never completed 240 days continuous service during any of the years, but submits that taking a humanitarian view the workman should be allowed to be reinstated or in the alternative, some compensation be paid in lieu of reinstatement.

3. Shri Parnami, learned counsel for the respondent opposes the prayer.

4. After hearing learned counsel for the parties and going through the record, so also the provisions contained in the Industrial Disputes Act, 1947, whereas, Section 25F, clearly provides that no workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by the employer until the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired or the workman has been paid in lieu of such notice, wages for the period of the notice.

5. Section 25N of the Industrial Disputes Act, deals with the conditions precedent to retrenchment of workman and it again provides that no workman employed in any industrial establishment to which this Chapter applies, who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until certain conditions given in Clause (a) & (b) are fulfilled.

6. Taking these facts into consideration that petitioner workman had not worked continuously for one year under an employer, an admitted fact by the petitioner, Tribunal was not in error in holding that provisions of Section 25F & 25N of the Industrial Disputes Act have no application to the facts and circumstances of the case.

7. Accordingly, petition fails and is dismissed.

A.Praj.

**(VIVEK AGARWAL)**  
**JUDGE**

