2026:AHC:212449

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 41140 of 2026

Girish Chandra Sharma

.....Petitioner(s)

Versus

Presiding Officer Labor Court And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Onkar Nath
Counsel for Respondent(s)	:	Anadi Krishna Narayana, C.S.C., Sarthak Verma

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Court No. - 36

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. Heard Sri Onkar Nath, learned counsel for petitioner and Sri Sarthak Verma, Advocate for respondents.

2. The best case of petitioner was that he was working on contract with contesting-respondents and that he has worked from 13.07.1998 to 31.10.1999. Subsequently petitioner was disengaged without any information and he claimed that he has worked for 240 days between said period, therefore, he would fall under the definition of ‘workman’ and thus an industrial dispute was referred.

3. The Presiding Officer, Labour Court, Agra after considering statement of petitioner as well as contesting-respondent and material on record, come to a conclusion that once contract was over, petitioner would have no right for re-engagement as well as that it was also not proved that petitioner has worked for 240 days in a calendar year and consequently, Labour Court held that it was not a case of retrenchment.

4. Learned counsel for petitioner has tried his best to convince this Court that impugned award was bad in law, however, on basis of record, he failed to show any document that petitioner has worked for 240 days in a calendar year and

even it was a contractual engagement since neither a copy of contract is on record nor any document of putting presence is on record, whereas as per Section 2A of Industrial Disputes Act, 1947, the preliminary requirement is that an industrial dispute can be raised of a workman and workman is defined in Section 2(z).

5. Section 6-N prescribes condition precedent for retrenchment that there must be a continuous service and continuous service means 240 days in a calendar year; and, as referred above, petitioner was failed to show that such requirement was fulfilled.

6. In aforesaid circumstances, no interference can be made in impugned order whereby the industrial dispute was rejected.

7. Writ petition is accordingly dismissed.

(Saurabh Shyam Shamshery,J.)

October 9, 2026
AK

Digitally signed by :-
AWADESH KUMAR
High Court of Judicature at Allahabad