

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No. 860 of 2014

Date of Decision:-19.08.2014

A.K. Srivastava

.....Appellant

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar and
another

.....Respondents

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.
HON'BLE MR. JUSTICE ARUN PALLI.

Present:- Mr. Pankaj Jain, Advocate
for the appellant.

SATISH KUMAR MITTAL, J.(Oral)

The appellant who was working as Assistant Spinning Master (Maintenance) with the respondent-Management Bhiwani Textile Mills, (respondent No.2 herein) has filed the instant Letters Patent Appeal against the order dated 27.3.2014 passed by the Learned Single Judge, whereby the writ petition (CWP No. 19208 of 2011) filed by the appellant challenging the award passed by the Labour court vide which the reference sought by the appellant with regard to his alleged termination was decided against him. In its award the Labour Court has held that the appellant does not fall under the definition of Workman as defined under Section 2(s) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act').

The Labour Court after appreciating the evidence led by the parties found as a fact that the appellant was getting monthly salary of Rs.7,565/-, at the time when his services were dispensed with and further he was working on the said post as Supervisory Capacity. The aforesaid finding of fact was affirmed by the learned Single Judge, while dismissing the petition and held that the Labour Court has rightly come to the conclusion that the appellant does not fall under the definition of Workman as defined under Section 2(s) of the Act.

Learned counsel for the appellant argued before us that the aforesaid finding of fact recorded by both the Courts below are perverse. He has drawn our attention to the statement of MW1-R.K. Kaushik, who was examined by the Management.

We have perused the said statement in which the said witness has categorically stated that the appellant was appointed on Supervisory capacity and two persons were working under him and the appellant used to supervise both of them, while working of machines installed in Blow Room Sections. It has also been observed that the appellant used to sanction the leave of the aforesaid two persons and he was incharge of the said unit.

In our view the Labour Court has rightly appreciated the evidence led by the parties and come to the right conclusion that keeping in view the nature of the job, the appellant is working and the salary he was getting for the job, he does not fall under the definition of Workman as defined under Section 2(s) of the Act. The

said finding of fact does not require any interference in the Letters
Patent Appeal.

No merit.

Dismissed.

**(SATISH KUMAR MITTAL)
JUDGE**

19.08.2014
reema

**(ARUN PALLI)
JUDGE**