

Civil Writ Petition No.24022 of 2011

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.24022 of 2011
Date of Decision: April 27, 2015

Sunder Lal

...Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Ambala & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Shailendra Sharma, Advocate,
for the petitioner.

Mr.Bhag Singh, Advocate &
Mr.Yash Pal, Advocate,
for respondent No.2.

AMIT RAWAL, J. (Oral)

The challenge in the present writ petition is to the award dated 9.5.2011 (Annexure P-5), whereby the reference qua alleged termination of the petitioner has been answered against him.

Mr.Shailendra Sharma, learned counsel appearing on behalf of the petitioner contends that the petitioner was employed as a Chowkidar by Kacha Aharat Association and the Labour Court has committed an illegality in declining the reference on the ground that the Kacha Aharat Association is not an industry.

Mr.Bhag Singh, learned counsel appearing on behalf of

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respondent No.2 has drawn the attention of the Court to the categorical admission of the petitioner to show that the petitioner himself admitted that he was employed as a Chowkidar by the Market Committee and not by the Aharat Association and, thus, the Labour Court has rightly dismissed/declined the reference by holding that there was no relationship of master and servant.

I have heard the learned counsel for the parties and appraised the paper book.

There is no dispute to the definition of industry. Aharat Association would not fall in the category of industry as per Section 2(j) of the Industrial Disputes Act, 1947. The Labour Court has rightly declined the reference as the Aharat Association is not an industry. The award of the Labour Court is, thus, fair, legal and justified. Therefore, there is no illegality and perversity in the award. The same is accordingly upheld and the writ petition is dismissed.

April 27, 2015
ramesh

(AMIT RAWAL)
JUDGE