

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 3540 of 2015
Date of decision : March 19, 2015

Jila Bal Vikas and Priyojna Adhikari, Jagadhri

..... Petitioner

Versus

Smt. Rajbala and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ravi Partap Singh, Advocate
for the petitioner.

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?

Amit Rawal, J (oral).

The petitioner-Management has challenged the award dated 25.7.2014 whereby the petitioner-workman has been ordered to be reinstated with continuity of service and 50% back wages and workman was employed as Sweeper in 2007 and his services were allegedly terminated on 14.12.2011. In pursuance to the demand raised, reference was made to the Labour Court.

Mr. Ravi Partap Singh, learned counsel appearing on behalf of the petitioner contends that the workman was discharging the duty only for two hours hence would fall within the definition of part time worker. The provisions of Section 25-F of the Industrial Disputes Act, 1947 would not be applicable thus, the award of the Labour Court is erroneous and perverse.

I have heard learned counsel for the petitioner,

appraised the impugned award and am of the view that there is no substance and merit in the aforementioned submissions for the reason that it is a settled law that there is no discrimination between the part timer and full time worker. This fact has been noticed by the Labour Court by relying upon the judgments of the Hon'ble Supreme Court in Shri Birdichand Sharma Vs. First Civil, Judge, Nagpur and others, 1961 (3) RCR 161 and in Silver Jubilee Tailoring House and others Vs. Chief Inspector of Shops & Establishments and another 1974 (3) SCC 498.

The petitioner-Management has not been able to prove that the workman had not discharged his duties diligently and much less not been able to prove that he had not worked for 240 days in a previous calendar year, much less even the retrenchment notice as per provisions of Section 25-F of the Industrial Disputes Act, 1947 has been served upon the workman. The Labour Court has rightly ordered the reinstatement of the workman with continuity of service and 50% back wages.

No fault can be found with the findings and reasoning given by the Labour Court which is based on appreciation of law and evidence.

Accordingly the writ petition is dismissed.

(AMIT RAWAL)
JUDGE

March 19, 2015
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