

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.9397 of 2015

Date of Decision: May 13, 2015

Balkar Singh

...Petitioner

Versus

The Presiding Officer, Industrial Tribunal, Patiala & 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.Raj Kaushik, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

The challenge in the present writ petition is to the award dated 8.1.2014 (Annexure P-10) passed by the Labour Court, whereby the reference of the workman has been answered against him.

Mr.Raj Kaushik, learned counsel appearing for the petitioner submits that the petitioner was appointed as Salesman on 1.8.1980 and he continued to work as such till 17.3.2005 when his service were illegally terminated by respondent No.2-Society. The petitioner raised a demand notice, on which conciliation proceedings initiated, but the same failed. The matter had been referred to the Labour Court, Patiala and the Labour Court answered the reference against the petitioner-workman to the extent that he failed to prove that his termination was illegal and unjustified. The Labour

Court has committed an illegality and perversity in declaring that the enquiry conducted by respondent No.2 being fair. He also submits that the Labour Court has committed illegality in not exercising its powers under Section 11-A of the Industrial Disputes Act (for short “the Act”) and, thus, the award of the Labour Court is liable to be set-aside.

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

The issue is whether the Agricultural Society is an industry as per the provisions of the Industrial Disputes Act, 1947 or not. The definition of industry as envisaged under Section 2(j) of the Act has to be resorted to.

It is evident from the definition that industry does not include agricultural activity except the plantation. Since the Society's main object was agriculture, therefore, the petitioner cannot be said to be a workman and, thus, was not competent to raise the reference, much less, the reference was not maintainable.

In view of what has been observed above, there is no merit in the writ petition. Accordingly the award of the Labour Court is upheld.

The writ petition is dismissed.

May 13, 2015
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(AMIT RAWAL)
JUDGE