

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**LPA No.1160 of 2015 (O&M)
Date of Decision: 07.12.2015**

Head Master, Govt. High School, Titoli (Rohtak)Appellant

Versus

Smt. Khazani Devi & another

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Ravi Dutt Sharma, DAG, Haryana
for the appellant.

RAJIVE BHALLA, J (ORAL)

CM-2453-LPA-2015

Prayer in this application is to condone delay of 33 days in filing the appeal.

Heard.

For reasons stated in the application and argument addressed, the application is allowed and delay of 33 days in filing the appeal is condoned.

LPA-1160-2015

The appellant, prays that order date 20.02.2015, dismissing the writ petition and affirming the award pronounced by the Labour Court directing reinstatement of respondent No.1 may be set aside.

Counsel for the appellant submits that as respondent No.1 was employed as a part time worker and the Government directed that service of all part time workers be

terminated, the appellant had no option but to pass the order terminating the service of respondent No.1. Counsel for the appellant further contends that a part time worker is not a worker. The order dismissing the writ petition is, therefore, illegal and may be set aside.

We have heard counsel for the appellant, perused the impugned order as well as the award and find no reason to entertain the appeal.

Admittedly, respondent No.1 was working on a part time basis but his services were terminated without complying with provisions of Section 25-F of the Industrial Disputes Act, 1947. The appellant's plea that a part time worker cannot be treated as a workman, is legally incorrect as it has been settled by the Hon'ble Apex Court that a part time worker is as much a workman as a regular workman. This apart, there is no justification much less any order passed by the Government or policy framed for dispensing with the services of respondent No.1, who had continued to work with the appellant for more than seven years. Finding no merit, the appeal is dismissed.

**[RAJIVE BHALLA]
JUDGE**

07.12.2015
Vinay

**[REKHA MITTAL]
JUDGE**