

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Letters Patent Appeal No.1505 of 2015 (O&M)
Date of Decision: 18.12.2015

Man Bahadur Thapa

..Appellant

versus

Central Cooperative Consumer Super Bazar
and others

..Respondents

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

Present: Mr. Durga Dutt Sharma, Advocate,
for the appellant.

RAJIVE BHALLA, J. (ORAL)

CM No.3229-LPA of 2015

Prayer in this application is to condone delay of 183 days
in filing the appeal.

Heard.

For reasons stated in the application and arguments
addressed, application is allowed and delay of 183 days in filing the
appeal, is condoned.

LPA No.1505 of 2015

The appellant challenges order dated 27.1.2015 whereby
his writ petition praying for setting aside of the award passed by the
Industrial Tribunal-cum-Labour Court, Chandigarh, has been
dismissed.

Counsel for the appellant submits that the appellant was
employed with the Central Co-operative Consumer Store Limited
(Super Bazar), Chandigarh, but as the Co-operative Store shut down,

the appellant was re-employed by the Official Liquidator on 20.11.2000 on a consolidated salary of Rs.3000/-per month. The subsequent termination of the service of the appellant on conclusion of liquidation proceedings, is illegal for want of compliance with the provisions of the Industrial Disputes Act, 1947 (hereinafter referred to as "the Act").

We have heard counsel for the appellant but are not inclined to entertain the appeal. The services of the appellant along with all other employees were, admittedly, terminated as the Super Bazar went into liquidation. The Official Liquidator, in order to protect the assets of the Super Bazar, appointed the appellant on a contractual employment of Rs.3000/- per month to discharge the duties of a Chowkidar. Upon conclusion of the liquidation proceedings, the services of the appellant were dispensed with. A reference preferred by the appellant was rejected by holding that the appellant was not a workman as he was employed by the Official Liquidator during liquidation proceedings. The writ petition has been dismissed by affirming the award.

We find no reason, whether in fact or in law, to hold that the appellant was a workman protected by provisions of the Act. Finding no error of jurisdiction or of law, the appeal is dismissed.

(RAJIVE BHALLA)
JUDGE

(REKHA MITTAL)
JUDGE

18.12.2015

VK