

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14114 of 1997 (O&M)
Date of Decision: 30.03.2017

Executive Officer, Panchayat Samiti,
Tarn Taran, Distt. Amritsar

... Petitioner

Versus

Presiding Officer, Labour Court,
Amritsar and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

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

Ms. Manjinder Kaur, Advocate,
for respondent No.2.

RAJIV NARAIN RAINA, J.

1. The ground on which this petition was admitted and the operation of the impugned order stayed on September 23, 1997 was whether the Panchayat Samiti falls within the definition of 'industry' in Section 2 (j) of the Industrial Disputes Act, 1947.

2. There can be no doubt that the Panchayat Samiti satisfies the triple tests of industry evolved by the Supreme Court in Bangalore Water Supply & Sewerage Board Etc. v. R. Rajappa, AIR 1978 SC 548 and, therefore, falls in the definition of industry. The Panchayat Samiti does not perform any sovereign functions of State and is a local body which qualifies as industry since it produces services with the help of labour. Even applying the principles laid down years ago by the Supreme Court in The Corporation of the City of Nagpur v. Its Employees, AIR 1960 SC 675 a judgment which

was noticed and dealt with in *R.Rajappa* the activity of the Samiti is inclusive of industry just like the different wings in a municipality qualify as industry. Also see on the point specific on Panchayat Samitis whether are industry, Sandhya Baul vs Director of Panchayat and Anr. (2006) ILLJ 637 Cal; Akhil Raj, R.H.P.M Sangathan v. State of Rajasthan, 1994 Lab. IC 345 (Raj) Full Bench.

3. When the reason for admission of the petition does not survive then the petition must suffer dismissal. It may be noticed that the writ was not admitted on merits except on a law point and it will be taken that the admission was not on merits. I have heard the learned counsel on merits as well and find no legal infirmity in the award.

4. As a result, the stay is vacated. The petition is dismissed and the award is rendered executable against the Panchayat Samiti.

(RAJIV NARAIN RAINA)
JUDGE

30.03.2017
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Whether speaking/reasoned *Yes*

Whether reportable *No*