

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

**CWP No.21954 of 2012  
Date of Decision: 05.02.2018**

**M/s Choudhary Metal Industries Private Limited**

**..... Petitioner**

**Versus**

**Presiding Officer, Industrial Tribunal-cum-Labour Court III,  
Faridabad and another**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE P. B. BAJANTHRI**

Present: Ms. Abha Rathore, Advocate  
for the petitioner.

Mr. Shiv Kumar, Advocate  
for respondent No.2.

**P. B. BAJANTHRI J. (ORAL)**

1. In the instant writ petition, the petitioner has challenged the award dated 24.07.2012 passed by the Labour Court (Annexure P-11).
2. Respondent No.2 was initially appointed as a Extruder Operator. Thereafter he has earned promotion to the cadre of Junior Engineer. His services were terminated on 21.06.2002. He raised an industrial dispute. Before the Labour Court, the petitioner contended that respondent No.2 do not fall within the definition of workman. In support of their contention, they are produced Exhibits M-1 to M-31. Those documents even though have taken on record, however, each of the document and its contents has not been discussed in the award so as to arrive whether the respondent falls under the workman definition or not. In para No.7, it is only stated as under:-

*“7. On the other side, the management examined MW-1*

*Lal Singh and filed an affidavit in support of his evidence Ex. M-X and produced the documents Ex.M-1 to Ex.M-31 and thereafter, closed the evidence.”*

Thereafter, there is no discussion relating to the post held by the respondent-workman. Thus, Labour Court has erred in not considering and discussing in the award relating to Exhibits M-1 to M-31.

3. Accordingly, award dated 24.07.2012 is set aside.

4. The matter is remitted back to the Labour Court to decide the reference No.9 of 2003 afresh. Parties are hereby directed to cooperate in deciding the reference afresh before the Labour Court. They were directed to appear before the Labour Court on 12.03.2018. Labour Court is requested to decide the reference within a period of six months from the date of receipt of certified copy of this order.

**(P. B. BAJANTHRI)**  
**JUDGE**

**05.02.2018**

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No