

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

CWP-26690-2017 (O&M)

Date of Decision: 29.01.2018

Rajesh Kumar

... Petitioner

Vs.

Presiding Officer and others

... Respondents

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

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

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the award passed by the Labour Court dated 23.12.2006 (Annexure P-4).

Petitioner was appointed as a Sales Supervisor with the respondents. Labour Court after due examination of the records have come to the conclusion that petitioner do not fall under the definition of workman. Therefore, award was passed against the petitioner. Hence, the present petition.

Learned counsel for the petitioner submitted that Labour Court has erred in not appreciating para-4 of the written brief submitted by the respondent-management wherein the petitioner's services have been terminated with reference to not satisfactory work for the last six months before his termination. It was further submitted that number of courts have held that even though if an employee is appointed as a supervisor other than the workman and if the concerned management is extracting work of the workman or a clerk, in that event, inference can be drawn that he is a workman.

Whereas in the present petition, petitioner has not produced any material to show that even though he was appointed as a Sales Supervisor with the respondents but respondents were extracting work relating to

workman so as to appreciate the contention raised by the petitioner. Thus, the petitioner has not made out a case so as to interfere with the award dated 23.12.2016 (Annexure P-4).

Accordingly, petition stands dismissed.

29.01.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**