

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

CWP No. 27506 of 2018

Date of Decision: 29.10.2018

Gray Cell Technologies Exports and another

...Petitioners

Vs.

Presiding Officer, Industrial Tribunal and Labour Court and another

...Respondents

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

Present: Mr. Sudesh Kumar Pandey, Advocate
for the petitioners.

RAJIV NARAIN RAINA, J. (Oral)

The challenge in this petition is to the order dated 23.11.2017 passed by the Presiding Officer, Industrial Tribunal & Labour Court, Union Territory Chandigarh in proceedings under Section 33-C (2) of the Industrial Disputes Act, 1947.

The claim for money was for the month of July 2012 and 25 days for August 2012 @ 30,000/- per month amounting to Rs.55,000/- along with 12% interest per annum from the date of accrual till the date of realization and litigation expenses assessed at Rs. 5,000/-.

The findings on jurisdictional facts are as follows:

(a) The labour Court has held that there is nothing on record to show that the applicant/claimant was performing the duties of supervisory and managerial nature to take him out of the dispute of “workman” under Section 2(s) of the Act.

(b) It has come in the cross-examination of MW-1 that the

applicant voluntarily resigned from his job with the respondent on 14.07.2010 and the period spent working with the management was upto August 2012.

(c) As per Clause 4 of the agreement employee was required to serve notice of one month before resigning and this clause has been complied with by the respondent by giving one month notice to the management.

In the written statement filed by the Management, there is no denial with regard to work done by the claimant. It stands proved on record that applicant was not paid salary for the period claimed. This Court does not interfere with findings of fact recorded in order passed by the Tribunal under the Act after appreciating the evidence. Interference can only be there where there is an error apparent on the face of the record. I find no infirmity in the order passed by the Labour Court warranting interference under Article 226 of the Constitution of India. For what has been before, the findings of the Labour Court are confirmed.

The petition is dismissed

(RAJIV NARAIN RAINA)
JUDGE

29.10.2018

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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>