

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-3571-2018

Date of Decision:-16.02.2018.

Ram Pyare Singh

.....Petitioner

Versus

Presiding Officer, Labour Court-III, Faridabad and another

.....Respondents

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

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

P.B. BAJANTHRI, J. (Oral)

Petitioner is stated to be an employee of respondent-education institution. Labour Court held that in view of the decision of the Supreme Court in the case of **T.M.A Pai Foundation & others Vs. State of Karnataka and others (2002) 8 SCC 481** that petitioner is not a workman, he has remedy before the Education Tribunal. Pursuant to the above cited case, State of Haryana have passed a Notification creating Education Tribunal or District Judge would be continued to be as a Presiding Officer of the Tribunal. In view of these facts and circumstances, petitioner has not made out a case so as to interfere with the Labour Court award.

Petition stands dismissed.

At this stage, learned counsel for the petitioner relied on decision of this Court passed in **Management of S.D. Model Senior Secondary School and another Vs. District Judge-cum-Service Tribunal**

and another decided on 27.11.2013. The said decision is distinguishable in view of the fact that in that case matter relates to payment of gratuity which was required to be considered under the Central Act viz., Payment of Gratuity Act, 1972 whereas, the present case is relating to termination of respondent in an education institution. In view of the Supreme Court decision in T.M.A. Pai's case read with State of Haryana Notification relating to constitution of Education Tribunal, cited decision is distinguishable.

(P.B. BAJANTHRI)
JUDGE

February 16, 2018.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.