

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

LPA No.2437 of 2017 (O&M)

Date of Decision : 10.09.2018

Birender Singh

....Appellant

Versus

The Industrial Tribunal-cum-Labour Court-II
Gurgaon and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Kotla, Advocate
for the appellant.

....

MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment of the learned Single Judge dated 30.08.2017 upholding the award of the Labour Court which declined the reference claimed by the appellant on the ground that the only material produced before the Labour Court was of the appellant's engagement with the respondent-department for 10 days in the year 1991.

The learned Single Judge upheld the award in view of the fact that there was no material to show prolonged engagement with the respondent-department that would essentially satisfy the ingredients of the Industrial Disputes Act to bring the appellant within the ambit of definition of a 'workman'.

Before us learned counsel for the appellant contended that the findings recorded by the learned Single Judge are erroneous as he has failed to take into account the engagement of the appellant for as

long as 12 years. When questioned whether there was any evidence produced before the Labour Court or any material shown to the learned Single Judge in this regard, learned counsel failed to bring to our notice any material to substantiate the plea of his engagement with the respondents for as long as 12 years.

Since there is no material or evidence produced by the appellant in support of his claim, the findings of the learned Single Judge of the appellant's engagement for a period of 10 days on daily wages cannot be held to be bad. Evidently, the appellant was not a 'workman' having not worked for 240 days in the year preceding the date of his termination.

No ground to interfere.

Dismissed.

However, delay o 59 days in filing the appeal is condoned for the reasons mentioned in the application.

(MAHESH GROVER)
JUDGE

10.09.2018
dss

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No