

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

**LPA No.705 of 2018 (O&M)  
Date of Decision: 14.05.2018**

Managing Director, M/s Datamation Research Services Pvt. Ltd.

... Appellant

Versus

Presiding Officer, Industrial Tribunal cum-Labour Court-I,  
Gurgaon and another

... Respondents

**CORAM:-HON'BLE MR. JUSTICE AJAY KUMAR MITTAL, ACTING CHIEF JUSTICE  
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA**

Present:- Mr. Vineet Chaudhary, Advocate,  
for the appellant.

**TEJINDER SINGH DHINDSA, J.**

The instant appeal under Clause X of the Letters Patent has been filed against order dated 25.04.2018 passed by the learned Single Judge whereby writ petition filed by the appellant has been dismissed and the award passed by the Labour Court dated 05.03.2015 in favour of respondent No.2-Ramesh Kumar has been upheld.

Briefly it may be noticed that writ petition was filed by the appellant challenging the award dated 05.03.2015 rendered by Industrial Tribunal cum-Labour Court-I, Gurgaon answering the reference in favour of respondent No.2 and directing his reinstatement in service along with 40% backwages.

Learned counsel has argued that the appellant-company never received any notice and as such was not aware about the proceedings pending before the Industrial Tribunal-cum

Labour Court-I, Gurgaon. It is urged that services of respondent No.2 had never been terminated by the appellant and rather he had absented from duty w.e.f.11.07.2013.

It has further been argued that respondent No.2 had been engaged as a Supervisor by the appellant and as such would not fall within the definition of the term “workman” under Section 2 (s) of the Industrial Disputes Act.

Vehemently contended that such aspects have been over looked by the learned Single Judge and as such the impugned order dated 05.03.2015 cannot sustain.

We have heard learned counsel for the appellant at length and have perused the pleadings on record.

We find that contention raised by learned counsel as regards appellant-Company not being aware about the proceedings pending before the Industrial Tribunal-cum-Labour Court-I, Gurgaon to be wholly misconceived. Perusal of the award dated 05.03.2015 at Annexure P-1 would reveal that representation had been made on behalf of the appellant-Company at the initial stage but thereafter no counter was filed.

Finding recorded by the Industrial Tribunal-cum Labour Court-I, Gurgaon is to the effect that respondent No.2 had not been served any notice nor was given any retrenchment compensation and as such there was violation of Section 25F of the Industrial Disputes Act.

Appellant-Company was aware of the reference proceedings under Section 10 (1) (C) of the Industrial Disputes Act

and had also been duly represented through counsel at the initial stage. Having failed to join proceedings at a subsequent stage, proceedings were directed ex parte.

In our considered view, the finding recorded by the Industrial Tribunal cum-Labour Court-I, Gurgaon vide award dated 05.03.2015 was on the basis of evidence adduced on record by the workman/respondent No.2 and did not call for any interference. Learned Single Judge has rightfully dismissed the writ petition.

There is no merit in the appeal and the same is dismissed.

**(AJAY KUMAR MITTAL)**  
**ACTING CHIEF JUSTICE**

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**14.05.2018**

vandana

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No