

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

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CWP No.5355 of 2019

Date of Decision: 26.03.2019

Uma Shankar

...Petitioners

Vs.

Presiding Officer Industrial Tribunal-cum-Labour Court II Gurugram
and another

...Respondents

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

Present: Mr.Vikrant Rana, Advocate for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

This petition deserves dismissal in view of paragraph No.10 of the award wherein there is an admission by the workman in his cross-examination that around 45 workmen were working under him and he has also performed the managerial work to recruit and appoint the workers. His salary was about 20,000 per month. The Labour Court was convinced with the evidence that the claimant was not a workman within the definition of Section 2(s) of the Industrial Disputes Act, 1947.

I have no reason to differ with these findings recorded by the Labour Court. After appreciating the evidence of the claimant himself that he is not a workman, the Labour Court had no jurisdiction to adjudicate the dispute.

For the above-said reasons, I would not interfere with the findings recorded by the Labour Court and would dismiss the petition.

Dismissed.

**(RAJIV NARAIN RAINA)
JUDGE**

26.03.2019

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*