

215 (2 cases)

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

(I) CWP No.3659 of 2016 (O&M)
Date of Decision: 17.07.2019.

District Rural Development Agency (DRDA), Jhajjar ...Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak
and another.

....Respondent

AND

(I) CWP No.3689 of 2016 (O&M)
Date of Decision: 17.07.2019.

District Rural Development Agency (DRDA), Jhajjar ...Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak
and another.

....Respondent

Coram : Hon'ble Mr. Justice B.S.Walia

Present: Mr. Diwan S. Adlakha, Advocate for the petitioner.

Mr. Sandeep Singal, Advocate for respondent No.2.

B.S.WALIA, J (Oral).

1. This order shall decide CWP No.3659 of 2016 and 3689
of 2016, as common questions of law and facts are involved.

2. Challenge to the award Annexure P/8 dated 21.10.2015
and Annexure P/1 dated 28.10.2015 respectively is on the short ground

that the District Rural Development Agency, Jhajjar (hereinafter referred to as 'DRDA') is not industry within the meaning of Section 2-J of the Industrial Disputes Act, 1947, therefore, the proceedings before the learned Labour Court were not maintainable in view of the decision of a Coordinate Bench of this Court in CWP No.15809 of 1992, in case titled as 'The Additional Deputy Commissioner, District Rural Development Agency, Hisar vs. Prabhu Singh and another' decided on 21.07.2014 and CWP No.2091 of 1998, titled as 'The Additional Deputy Commissioner-cum-Chief Executive Officer vs. The Presiding Officer and another' decided on 25.03.2003, in the light of decision of Hon'ble the Supreme Court in State of UP and others vs. Arun Kumar Singh 1996 SCC (L&S) 197, wherein it was held that District Rural Development Agency is only entrusted with carrying out work entrusted to it including Jawahar Rozgar Yojana, therefore, it could not be described as an '*Industry*' within the meaning of the UP Industrial Disputes Act, 1947.

3. Learned counsel for the respondent-workman states that in view of the case law relied upon by the learned counsel for the petitioner, he does not oppose the setting aside of the impugned awards but only prays for liberty to the respondent-workmen to avail remedy in respect of the termination before appropriate forum in accordance with law.

4. The same is not opposed to by the learned counsel for the petitioner.

5. In view of the position as noted above, the writ petitions are allowed. Impugned award Annexure P/8 dated 21.10.2015 in CWP

No.3659 of 2016 and impugned award Annexure P/8 dated 28.10.2015 in CWP No.3689 of 2016 are set aside while leaving it open to the respondent-workmen to avail remedy against their termination before appropriate forum in accordance with law.

(B.S.WALIA)
JUDGE

17.07.2019
rajesh.k.khurana

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