



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

CM-1403-LPA-2023 in/and LPA-527-2023

Date of decision : 22.10.2024

M/s Heirolooms

.....Appellant

Versus

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

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

SHEEL NAGU, CHIEF JUSTICE (Oral)

CM-1403-LPA-2023

For the reasons mentioned in the application, duly supported by
an affidavit, delay of 40 days in filing the appeal is condoned.

Application is, accordingly, allowed.

LPA-527-2023

1. This intra-court appeal assails the order dated 12.12.2022 passed
by the learned Single Judge, which in turn has upheld the award dated
18.04.2013 rendered by the Labour Court to the extent of holding termination
of respondent No.2 – workman falling in the category of ‘unlawful



retrenchment’. However, as regards reinstatement of the respondent – workman, the learned Single Judge took a different view than the one taken by the Labour Court, and found that in lieu of reinstatement, compensation of Rs. 7,00,000/- (seven lacs) will be sufficient, in the given facts and circumstances.

2. The only ground raised by learned counsel for the appellant – employer is that at the time of termination of the respondent - workman, i.e. on 13.04.2010, he was drawing salary of Rs. 9,100/- per month, which was more than the maximum limit of Rs. 1,600/- provided in un-amended provision of Section 2 (s) (iv) of the Industrial Disputes Act, 1947 (in short, ‘IDA’), and that on his promotion to the post of Sampling/Pattern Master, he was assigned duties, which were managerial, administrative and supervisory in nature.

3. As regards the contention that the workman was performing the duties, which were managerial, administrative and supervisory in nature, learned counsel for the appellant – employer does not dispute that no material in that regard was produced by the employer before the Labour Court and, therefore, the findings rendered by the Labour Court as well as learned Single Judge that there is no material to support the defence of the employer that the workman was performing managerial, administrative or supervisory duties cannot be disturbed.

4. Contention as regards the workman drawing salary of Rs. 1,600/- per month or more to be excluded from the definition of ‘workman’ under Section 2 (s) (iv) of IDA, which came into existence from 15.09.2010, has no substance because clause (iv) should be applicable only if the workman was



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employed in managerial, administrative or supervisory capacity, and his emoluments are more than Rs. 1,600/- per month.

5. Accordingly, appeal stands dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

October 22, 2024
narotam

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