

CWP-18551-1998 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-18551-1998 (O&M)
Decided on : 03.04.2024

Rakesh Kumar Singh

. . . Petitioner(s)

Versus

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

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None.

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Rakesh Kumar Singh, has filed the present writ petition for quashing of the impugned award dated 22.06.1998 (Annexure P-1), passed by respondent No.1 – Industrial Tribunal-cum-Labour Court, Panipat (in short, ‘learned Tribunal’), whereby, Reference No.17 of 1996, under Section 10(1)(C) of the Industrial Disputes Act, 1947 (for brevity, ‘ID Act’), has been answered against him.

2. In the demand notice dated 05.09.1994, petitioner – workman had pleaded that he joined service with the Atlas Cycle Industries Ltd., Sonapat (respondent No.2) on 04.05.1988 in Electroplating Department at Rs.3140/- per month and before termination of his services, he was working as Assistant Foreman. He had gone to his parental village Badayun in U.P., after obtaining leave from 20.07.1994 to 16.08.1994, but there due to suffering from fever, he could not report back for duty on 17.08.1994, and on 30.08.1994, when he reported for duty, he was stopped from doing his working, and thereafter, he was never allowed. He was told that on failure

to report back on duty, just on exhausting the holidays, he had been terminated from the services.

3. While deciding the reference, arising from the industrial dispute, learned Tribunal recorded its finding that as per evidence, available on record, petitioner – workman was working in supervisory capacity with a salary of more than Rs.1600/- per month. Moreover, as per demand notice of the petitioner, he was working as Assistant Foreman with a salary of Rs.3140/- per month, and there were about 25 persons working under him.

4. Thus, learned Tribunal held that working of the petitioner – workman does not fall within the definition of “workman”, as defined under Section 2(s) of the ID Act, therefore, reference has been decided by answering in negative, being not maintainable.

5. As per office note, counsel already informed. However, no one has put in appearance on behalf of the petitioner. In such circumstances, this Court is left with no other option except to dispose of the writ petition for want of prosecution.

6. **Dismissed for want of prosecution.**

However, liberty is granted to the petitioner to move an appropriate application for seeking revival of the present writ petition, within eight weeks from today, in case, any substantive issue still exists along with a cause of action to the petitioner.

(SANJAY VASHISTH)
JUDGE

April 03, 2024

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No