

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(Sr. No. 110)

LPA No.856 of 2024 (O&M)

Date of decision: 04.04.2024

M/s Kirloskar Technologies Pvt. Ltd. and another

..... Appellants

Versus

The Presiding Officer, Industrial Tribunal and Labour Court, U.T.,
Chandigarh and another

.....Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Anshul Sharma, Advocate and
Mr. Varun Mittal, Advocate for the appellants.

* * *

DEEPAK SIBAL, J. (Oral)

(1) The present intra court appeal is directed against the judgment dated 29.11.2023 passed by a learned Single Judge of this Court dismissing the appellants' writ petition through which they had challenged the award dated 12.05.2023 passed by the Industrial Tribunal-cum-Labour Court, U.T., Chandigarh (for short - the Labour Court).

(2) The only issue raised by the appellants before the learned Single Judge as also before us was that at the time of termination of his services respondent No.2 was serving as Regional Manager and drawing monthly salary which was more than Rs.20,000/- and therefore, he did not fall within the definition of "workman" in terms of Section 2(s) of the Industrial Disputes Act, 1947 (for short - the Act). The said submission was rejected by the learned Single Judge on the ground that though the nomenclature of the post being held by respondent No.2 at the time of

termination of his services was Regional Manager and that he was also drawing monthly salary of more than Rs.20,000/- but no evidence had been led by the appellants before the Labour Court to prove that respondent No.2 was working in a supervisory capacity. Rather, the learned Single Judge found that appellants' own witness, while appearing before the Labour Court, had admitted that respondent No.2 did not supervise or manage any other employee and was doing manual work.

(3) Even before us, learned counsel for the appellants does not dispute that no evidence whatsoever was led by the appellants before the Labour Court to prove that respondent No.2 served the appellants in a managerial or supervisory capacity. In fact, it was fairly admitted that the appellants' own witness while appearing before the Labour Court had unequivocally deposed in favour of the workman that irrespective of the nomenclature of his designation, respondent No.2 was only doing manual work and not supervising the work of any other employee.

(4) In view of the above facts, no infirmity, is found in the impugned judgment.

(5) Dismissed.

(6) All pending miscellaneous applications, if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

04.04.2024
sunil yadav

(DEEPAK MANCHANDA)
JUDGE

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