

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

2024:PHHC:117508-DB



CM-5126-LPA-2024 in/and LPA-2164-2024 (O&M)

Date of Decision : 09.09.2024

Sarwan

.....Appellant

Versus

The Kaithal Co-op Sugar Mill Ltd., Kaithal and another

.....Respondents

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

Present: Mr. Sehaj Punj, Advocate, for the appellant.

SHEEL NAGU, CHIEF JUSTICE

CM-5126-LPA-2024

For the reasons stated in the application, duly supported by an affidavit of the applicant-appellant, delay of 73 days in filing the appeal is condoned.

Application is, accordingly, allowed.

LPA-2164-2024 (O&M)

1. This intra-court appeal assails the common order dated 23.05.2024 passed by the learned Single Judge, vide which while disposing of seven civil writ petitions, including CWP No. 17315 of 2017, common award dated 31.03.2017 passed by the Labour Court was set aside with direction to the Labour Court to decide all the references made to it once again, within a period of six months.

2. Learned counsel for the appellant - workman is heard.

3. Learned counsel for the appellant – workman has raised various grounds, including the ground of applicability of Section 25-B of the Industrial Disputes Act, 1947 (for short, ‘IDA’), which defines the expression

“continuous service”, to urge that the appellant – workman has completed

230 days of service, which is more than 120 days thereby satisfying the requirement of “continuous service” under Section 25-B of IDA, and thereby making out a case of breach of Section 25-F of IDA, and thus, the Labour Court rightly passed the award in favour of the appellant – workman.

4. After having considered the argument of learned counsel for the appellant – workman, we are of the considered view that since the matter has been remanded to the Labour Court for fresh adjudication of the disputes referred to it, this Court has no manner of doubt that re-consideration would be done by taking all the grounds raised by the appellant/workman in his reference and also without being prejudiced by any factual or legal findings rendered by the learned Single Judge in the impugned order.

5. The aforesaid observation would satisfy the anxiety and apprehension expressed by the learned counsel for the appellant – workman.

6. Consequently, this Court disposes of this appeal with the observation that the Labour Court, while re-considering the matter, including that of the appellant, shall not be influenced by any factual findings recorded by the learned Single Judge in the impugned order dated 23.05.2024.

7. All the pending applications, including CM-5127-LPA-2024, also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

09.09.2024
ravinder sharma

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