



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

**CWP-7873-1998 (O&M)
Date of Decision : 20-03-2025**

LOKENDER SHARMA

.....Petitioner

VERSUS

**PRESIDING OFFICER, LABOUR COURT-II, FARIDABAD AND
ANR.**

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

**Present: Mr. Adish Gupta, Advocate
for the petitioner.**

**Mr. A.P. Bhandari, Advocate
for the respondents.**

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance of the petitioner is that without ascertaining the fact as to whether, the petitioner was working in the supervisory capacity or was covered within the definition of the “Workmen”, under Section 2 (s) of the Industrial Disputes Act, 1947 (for short 1947 Act) impugned award dated 30.05.1997 (Annexure P-1) rejecting the claim of the petitioner has been passed holding that keeping in view the designation of the petitioner and a “Quality Control Incharge” as the salary being paid, the petitioner is not covered under the definition of the “Workmen”.

2. Learned counsel for the respondents submits that it is the duty of the management to prove that the petitioner is not the Workmen.

3. Learned counsel appearing on behalf of the respondents submits that once, the petitioner was appointed as a Quality Control Incharge on a particular salary and the duties of the petitioner have been brought on record, which clearly shows that the petitioner was working in a supervisory capacity, the award passed by the Labour Court dated 30.05.1997 (Annexure P-1), is perfectly valid and legal and liable to be upheld.

4. I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

5. A finding has been recorded by the Labour Court that the petitioner was working in a supervisory capacity and was drawing the wages exceeding Rs.1600/- hence, he was not covered under the definition of "Workmen" envisaged under 1947 Act so as to avail the remedy under the Industrial Disputes Act, 1947. The said finding has been recorded on the basis of the evidence and the facts which had come on record.

6. The respondent-Institution has brought enough evidence to help the Tribunal to record the said finding. Nothing has been shown to this Court that the finding so recorded is perverse to any evidence or the fact which has come on record.

7. Further, it has also come on record that the petitioner has received a sum of Rs.8811/- from the respondent-Management as final settlement of his dues, which fact has not been rebutted by the learned counsel for the petitioner.

8. In the absence of any perversity once, findings have been recorded on the basis of the facts and evidence which have come on record, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

9. Present petition is dismissed.

10. Pending application, if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

20-03-2025
Sapna Goyal

NOTE: Whether speaking: YES
Whether reportable: NO