



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

LPA No.1714 of 2024 (O&M)

Date of Decision: 16.01.2025

Davinder Kumar

...Appellant

Versus

State of Punjab & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Shoryaveer Vashist, Advocate,
for the appellant.

* * * *

SANJEEV PRAKASH SHARMA J.(Oral)

CM No.4060-LPA of 2024

For the reasons mentioned in the present application, the same is allowed and the delay of 45 days in re-filing the appeal is condoned.

LPA No.1714 of 2024

Notice of motion.

2. Mr. Shekhar Verma, learned Additional Advocate General, Punjab, accepts notice on behalf of respondents No.1 and 2.

3. Learned counsel for the appellant submits that the appellant was working on contractual basis initially with the department and later-on, outsourcing agency was introduced showing him to be working through an outsourcing agency and then, his services was dispensed with. The appellant was working as Data Entry Operator and thus, he would fall within the



definition of workman in terms of Section 2(s) of the Industrial Disputes Act, 1947 (for short, ‘the Act, 1947’). We accordingly allow the appellant to raise a dispute directly before the concerned Labour Court regarding his termination of service as such and the dispute is raised, the Labour Court shall entertain the same in terms of Section 10A of the Act, 1947 and decide the same expeditiously preferably within a period of one year.

4. With the said observations, the appeal is disposed of and the order of Single Judge is accordingly set-aside. It is made clear that the Labour Court shall not be influenced in any manner by the observations made by the Single Judge.

(SANJEEV PRAKASH SHARMA)
JUDGE

January 16, 2025
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*