



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

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**LPA-1361-2025 (O&M).
Date of Decision: 13.08.2025.**

Indian Overseas Bank

....Appellant.

VERSUS

The Presiding Officer, Central Government Industrial Tribunal-
cum-Labour Court-II, Chandigarh and another

....Respondents.

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Dhiraj Chawla, Advocate and
Mr. Gaurav Goel, Advocate for the appellant.

ANUPINDER SINGH GREWAL, J. (Oral)

CM-3331-LPA-2025

Prayer in this application is for condonation of delay of 38 days
in filing the appeal.

Heard.

For the reasons stated in the application, the same is allowed and
delay of 38 days in filing the appeal is condoned.

Main Appeal

The appellant-Bank has challenged the judgment of the Single
Bench dated 20.02.2025 passed in CWP No.3202 of 2025, whereby the writ
petition preferred by the appellant-Bank against the Award of the Labour
Court dated 12.01.2024 has been dismissed.

2. Learned counsel for the appellant-Bank submits that respondent No.2 was working only as a casual labourer and was not on the roll of the appellant-Bank. He further submits that respondent No.2 is not a workman as per the definition of 'workman' under the Industrial Disputes Act, 1947 and therefore, there was no employer and employee relationship between the appellant-Bank and respondent No.2.

3. Heard.

4. Respondent No.2-workman is stated to have worked with the appellant-Bank as 'Record Keeper' from 14.03.2014 till 05.09.2017 after which his services were terminated on 06.09.2017. He was drawing a salary of Rs.5700/- per month. The termination order was challenged before the Labour Court, wherein respondent No.2/workman had led evidence in support of the factum of his having worked with the appellant-Bank and being on the roll of the appellant-Bank. He had produced on record the payment vouchers which are Ex.W-4 to W-69. Despite service and filing of written statement, the appellant-Bank did not put in appearance before the Labour Court and was proceeded *ex parte* on 07.01.2020. The appellant-Bank is stated to have filed an application challenging the *ex parte* order, but the same was dismissed and it had attained finality. In the light of the evidence led by respondent No.2-workman that he had worked for a period of over 3½ years, the award of the Labour Court reinstating respondent No.2 with continuity of service and 30% back wages on account of his illegal termination appears to be justified.

5. The award of the Labour Court was based on the evidence led by respondent No.2-workman and in view of the fact that the appellant-Bank was proceeded *ex parte* and no evidence was led by the appellant-Bank to rebut

the evidence of respondent No.2-workman. Reliance can be placed on the judgement of the Supreme Court in the case of **Ganapati Bhikarao Naik vs. Neuclear Power Corporation of India Ltd. in Civil Appeal No.6591-6592 of 2024 decided on 13.11.2024**, wherein it has been held that the factual findings arrived at by the Labour Court after appreciation of the evidence shall not be disturbed by the Writ Court without assigning cogent reason. The relevant extract of the said judgement is reproduced hereunder:-

“12. The relevant materials reflecting the marriage of the appellant with Smt. Ganga was however ignored by the Writ Court. The Court also failed to appreciate that the learned Labour Court reached the factual conclusion, after due consideration of the material evidence. Such factual finding of the Labour Court should not normally be disturbed by a Writ Court without compelling reason. Such reasons are absent. Therefore we feel that the Award in favour of the appellant, granted by the Labour Court, was erroneously disturbed by the learned Single Judge.”

6. In the afore-noted facts and circumstances, we do not find any manifest illegality in the impugned judgment of the Single Bench dated 20.02.2025 dismissing the writ petition, warranting interference by this Court. Consequently, the Letters Patent Appeal being devoid of any merit stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

13.08.2025

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