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

CWP-20927-2019 (O&M)

Date of Decision : 19-02-2025

INDIAN RED CROSS SOCIETY**.....Petitioner****VERSUS****PRESIDING OFFICER AND OTHERS****.....Respondent(s)****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Vinay Bajaj, Advocate for the petitioner.

Mr. Mukand Gupta, Advocate
for the respondent No.2.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the award passed by the Labour Court dated 12.11.2018 (Annexure P-5). Though the writ petition was filed in the year 2019 but notice of motion has not been issued so far.
2. Learned counsel for the petitioner submits that without recording a finding that the respondent-workmen has completed 240 days in service in one year before his retirement, the relief has been granted under the Industrial Disputes Act, 1947 (for short 1947 Act), which is incorrect.
3. Learned counsel for the petitioner further submits that the Red Cross Society is not an industry, which fact has been ignored by the Labour Court while passing the award in favour of the respondent-workmen.
4. Keeping in view the caveat filed, learned counsel appearing on behalf of the respondent-workmen submits that both the objections which are being raised by the learned counsel for the petitioner are incorrect and

the same is contrary to the findings recorded by the Labour Court in the impugned award.

5. Learned counsel for the respondent-workmen further submits that in Paragraph-11 of the impugned award, a categorical finding has been recorded that there is no dispute with regard to the working of the respondent- workmen from 04.04.2001 till 30.11.2002 for the petitioner-society, which period has been found to more than 240 days, which fact has been relied upon by the Labour Court to hold that the services of the respondent-workmen was terminated in violation of the provisions of the 1947 Act.

6. Learned counsel for the respondent-workmen further submits that as per the settled principle of law settled by the Co-ordinate Bench in CWP No.8439 of 2001 titled ***“The Red Cross Society, Hisar Vs. The Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar and anr.”***, decided on 03.03.2009, a Red Cross Society has been held to be industry hence, both the arguments raised by the learned counsel for the petitioner are incorrect and contrary to the facts and circumstances of the present case as well as the settled principle of law.

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

8. The two arguments which have been raised to challenge the award dated 12.11.2018 are to be dealt with by this Court so as to decide whether the impugned award passed in favour of the respondent-workmen is liable to be upheld or not. The first argument raised is that the respondent-workmen has not completed 240 days in service in one year before his termination. Qua this, in Paragraph-11 of the award, a categorical finding has

been recorded of completion of 240 days in service by the respondent-workmen in one year prior to his termination by giving the details of the period for which the respondent-workmen had worked, which fact is undisputed. The said factual averment has not been rebutted back by the learned counsel for the petitioner so as to treat it as a perverse or contrary to the facts or evidence on record. In the absence of any such perversity brought on record, the finding recoded by the Labour Court that the respondent-workmen had completed 240 days in preceding 12 months of the date of termination, is perfectly valid and is accordingly upheld.

9. With regard to the second argument raised by the learned counsel for the petitioner is that the Red Cross Society is not an industry, it may be noticed that in the judgment in *The Red Cross Society, Hisar's case (supra)*, in Para-6, the Red Cross Society has been held to be an industry within the meaning of Section 2(j) of the 1947 Act. The relevant paragraph of the said judgment is as under:-

*“6. The first submission of the counsel for the petitioner with regard to the question as to whether the Red Cross Society (petitioner herein) is an industry under, Section 2 (j) of the Act, should not detain me for long. The judgment passed by the Hon'ble Supreme Court, which has been relied upon by the counsel for the petitioner for supporting his contention with regard to the Red Cross Society not being an industry i.e. The Management of Safdarjung Hospital (supra) would not hold the field now in the light of the judgment of the Hon'ble Supreme Court in the case of **Bangalore Water Supply v. A. Rajappa, AIR 1978 SC 548**. After the decision by the Hon'ble Supreme Court in the case of Bangalore Water Supply (supra) this Court in the case of **Indian Red Cross Society Haryana v. The Additional Labour Court, Chandigarh and others, 1988 (1) PLR 470**, has held that Indian Red Cross Society is an industry. In this*

view of the matter, the contention, as raised by the counsel for the petitioner, cannot be accepted and it is held that the Indian Red Cross Society (petitioner herein) is an industry under Section 2 (1) of the Act.”

10. Keeping in view the above, the second ground raised is contrary to the settled principle of law and cannot be accepted.

11. At this stage, learned counsel for the Red Cross Society submits that as the Society is to spend the funds on social issues hence, in case the respondent-workmen is reinstated according to the award within a period of one month, the interest granted on the arrears may kindly be modified.

12. Learned counsel for the respondent-workmen submits that in case, the respondent-workmen is reinstated in service according to the award within a period of one month, he will not claim interest on the arrears as awarded vide impugned award.

13. Keeping in view the said fact, the petitioner will be entitled for all the benefits under the award except the interest granted by the Labour Court in case the award is implemented within a period of one month from the receipt of copy of this order.

14. No other argument is raised.

15. Present petition stands dismissed.

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

19-02-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO