



CWP-20508-2020 & connected cases

1

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

(275)

CWP-20508-2020

Date of Decision : April 03, 2025

Anjesh Saini

.. Petitioner

Versus

Presiding Officer, Labour Court, Ambala and others .. Respondents

(2)

CWP-20518-2020

Sandeep Kumar

.. Petitioner

Versus

Presiding Officer, Labour Court, Ambala and others .. Respondents

(3)

CWP-20521-2020

Amrik Singh

.. Petitioner

Versus

Presiding Officer, Labour Court, Ambala and others .. Respondents

(4)

CWP-20529-2020

Karam Singh

.. Petitioner

Versus

Presiding Officer, Labour Court, Ambala and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the parties.

HARSIMRAN SINGH SETHI J. (ORAL)



1. By this common order, four writ petitions, the details of which have been given in the heading, are being disposed of as all these petitions involve the same question of law on similar facts.

2. In the present writ petition, the challenge is to the Award dated 25.10.2019 (Annexure P-4) by which, the claim of the petitioner(s) was rejected on the ground that the petitioner(s) were not the workmen as per the provisions of the Industrial Disputes Act, 1947 (hereinafter referred as '1947 Act') but a finding has also been given qua the claim of the petitioner(s) on merits, which is arbitrary and illegal.

3. Notice was issued to the respondents.

4. Respondent No.2 was served and Ms. Rajni Kumari, Advocate had also submitted her memo of appearance but no one has appeared to defend the present writ petitions.

5. The grievance being raised by the petitioner(s) is that by recording a finding that the petitioner(s) were working as Infra Engineers, they were held not eligible to avail the remedy under 1947 Act. Once, the said finding was given by the Tribunal then the dispute could not have been decided on merits as to whether, the claim of the petitioner(s) with regard to the termination of their services was valid or not, the Labour Court has exceeded its jurisdiction to decide the lis between the parties on merits after holding that the petitioner(s) were not the workmen. That being so, the finding recorded on merits, cannot be sustained.

6. The present writ petitions are disposed of by setting aside the Award dated 25.10.2019 (Annexure P-4) qua the decision of the Labour Court on merits that the termination of the services of petitioners is valid.



Once it is held by the Labour Court that petitioners are not workmen then the Labour Court does not have jurisdiction to decide a claim on merits qua an employee who is not workman. The petitioner(s) will be free to avail appropriate remedy before the Civil Court with regard to the termination of their services at the hands of the respondents by availing appropriate remedy in accordance with law and the finding so recorded by the Tribunal qua the termination of the services will not be taken into account for any purpose.

7. A photocopy of this order be placed on the file of other connected cases.

April 03, 2025

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No