



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

**CWP-27151-2016 (O&M)
Date of Decision : 21-02-2025**

DISTRICT EDUCATION OFFICER SONIPAT

.....Petitioner

VERSUS

SURESH KUMARI & ANOTHER

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Saurabh Girdhar, AAG Haryana.

Mr. Ankur Goyat, Advocate for
Mr. Ramesh Goyat, Advocate
for respondent No.1.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the award passed by the Labour Court dated 06.11.2025 (Annexure P-4) by which, the respondent No.1-workmen was reinstated with continuity in service and 50% of the backwages from the date of the demand notice till the passing of the impugned award.

2. Learned counsel for the petitioner submits that the respondent No.1-workmen was working on part-time basis with the petitioner and should not have been treated as a workmen so as to grant the benefit under Section 25F of the Industrial Disputes Act, 1947 (for short 1947 Act).

3. The further prayer of the petitioner is that even the backwages should not be awarded after the reinstatement.

4. Learned counsel for the respondent No.1-workmen submits that that the argument of the learned counsel for the petitioner that the “Part-time Workmen” is not covered under the definition of the “Workmen” envisaged under the 1947 Act is contrary to the settled principle of law and the said law has already been considered by the Labour Court while passing the impugned award in favour of the respondent No.1-workmen, which judgment has not been rebutted by the learned counsel for the petitioner-State.

5. Learned counsel for the respondent No.1-workmen further submits that it has already come on record that the respondent No.1-workmen was not gainfully employed and only 50% of the backwages have been given, which is perfectly valid and legal.

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

7. The argument which has been raised by the learned counsel for the petitioner-State is that part-time workmen cannot be brought under the definition of “Workmen” so as to grant benefit under Section 25F of the Industrial Disputes Act, 1947, cannot be accepted. The said argument has been dealt with by the Labour Court in Paragraph-13 of the award, which facts and the judgment has not been rebutted by the learned counsel for the petitioner. In the absence of the rebuttal of the settled principle of law which has been taken into account by the Labour Court to grant the benefit to the respondent No.1-workmen, no ground is made out for any interference by this Court.

8. Further, the respondent No.1-workmen remained out of service and nothing has come on record that she was gainfully employed and she has

only been given 50% of the backwages .That being so, no perversity in the impugned award has been pointed out so as to invite any interference by this Court in the facts and circumstances of the present case.

9. Further, learned counsel for the parties agree that respondent No.1-workmen has already been reinstated in service in pursuance to the impugned award and same has already been implemented.

10. Keeping in view the facts mentioned hereinabove, no ground is made out for any interference in the facts and circumstances of the present case.

11. Present petition stands dismissed.

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

21-02-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO