



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CWP No. 25838 of 2022 (O&M)

Date of Decision : 28.07.2025

Sunbeam Light Weighting Solutions Pvt. Ltd.

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shehbaz Thind, Advocate and
Mr. Lakshya Goyal, Advocate for the petitioner.

Mr. Rahul Rampal, Addl. A.G., Punjab.

Mr. Piyush Bansal, Advocate for respondents No. 4 to 23.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the order dated 20.09.2022 (Annexure P-17) passed by the Appellate Authority envisaged under the Industrial Employment (Standing Orders) Act, 1946 by which the certified standing order dated 28.01.2021 (Annexure P-7) which was framed by the petitioner-Company has been set-aside on the ground that the same has been framed without giving any opportunity to the workmen as there was nothing on record to show that the representative who had consented to the Certifying Authority qua the standing order were actually the representative of the Trade Union, especially when the said standing order is causing prejudice to the workmen concerned.



2. Learned counsel appearing on behalf of the petitioner-Company argues that the impugned order which has been passed by the Appellate Authority is incorrect and without noticing the actual fact. Learned counsel for the petitioner-Company argues that the Certifying Officer-cum-Addl. Labour Commissioner, Punjab, SAS Nagar, who is the Competent Authority to certify a standing order, passed an order on 28.01.2021, wherein, it has been mentioned that the elective representative of the workmen who appeared before the said authority in person, confirmed the contents of the letters which were written by the workmen through their elective representative, wherein it had been stated that they have no objection if the draft standing orders are certified as, the workmen have not objected to the same.

3. Keeping in view the said factum, the standing order was confirmed by the authority concerned but against the order dated 28.01.2021, an appeal was preferred by one Manoj Kumar being the General Secretary of the respondent-workmen-Union on 02.09.2021.

4. Learned counsel for the petitioner submits that while deciding upon the said appeal, in paragraph 12 of the impugned Award, it has been mentioned that the Union was purported to have been represented by Mahavir Singh (Operator), Roshan Singh (Di-fitter) and Shri Chand (Inspector), whereas, nothing has come on record to show as to whether these persons who gave consent to the standing order, were the representative of the workmen or not and, therefore, the Certifying Authority while certifying the standing order, could not establish that whether, the representative of the workmen, who appeared before the Authority, were



entitled to give the statement accepting the standing order or not and reliance placed upon the affidavit submitted by the so called representative is incorrect and as such the order passed by the Certifying Authority certifying the standing order was set-aside and the certification given to the standing order was quashed.

5. Learned counsel for the petitioner submits that while passing the said order, the Appellate Authority failed to appreciate the fact that the appeal was filed by Manoj Kumar against the order dated 28.01.2021 passed by the Certifying Authority and said Manoj Kumar himself had given an affidavit accepting that the draft standing order was given to them for their comments and they accept the same. Learned counsel further submits that the said affidavit of Manoj Kumar has been appended as Annexure P-4 which fact has gone un-rebutted and, therefore, once even the appellant, who had approached the Appellate Authority against the order of the Certifying Officer dated 28.01.2021, himself had approved the draft standing order, question of non-consultation with the representative of the workmen for approval of the same, which has been taken as a ground to quash the same, is contrary to the facts on record and, therefore, the impugned order dated 20.09.2022 (Annexure P-17) passed by the Appellate Authority is liable to be set-aside.

6. Learned counsel appearing on behalf of the State submits that the Authorities have passed the order keeping in view the facts brought before the notice of the authorities and the contesting party is the workmen, who had raised the grievance against certification of the standing order prepared by the petitioner-Company.



7. Learned counsel appearing on behalf of the workmen (added respondents No. 4 to 23) submits that the workmen were not consulted in person and were not given an opportunity to be heard, which is the requirement envisaged under law and anyone making statement on behalf of the workmen cannot be accepted and, therefore, in the absence of any workman being consulted separately for the purpose of attaining their consent qua the standing order, the order passed by the Appellate Authority quashing the certification of the standing order is perfectly valid and legal.

8. Learned counsel for the respondents submits that the only clause in the standing order which is causing prejudice to the workmen is qua their age of superannuation, which has been stipulated at reaching the age of 58 years or rendering 25 years of service with the petitioner whichever is earlier by amending the earlier standing order, according to which, the employee could only retire on attaining the age of 58 years.

9. I have heard learned counsel for the parties and have gone through the record with their able assistance.

10. It may be noticed that in the impugned order dated 20.09.2022 (Annexure P-17), the Appellate Authority has noticed the order passed by the Certifying Officer-cum-Additional Labour Commissioner, Punjab, dated 28.01.2021 against which the appeal was preferred. In the said impugned order, the Appellate Authority has clearly mentioned that the elective representative of the workmen appeared before the Certifying Authority in person and confirmed the contents of their letter that they were agreeable to the draft standing order as prepared by the petitioner-Company and it is only after no objection was given by the representatives of the workmen, the same



was certified but the Appellate Authority on the other hand has held that the Certifying Authority failed to confirm the jurisdiction of the elected representative of the workmen to give assent to the draft standing order before accepting their assertion qua the same so as to certify the draft standing order and, therefore, as the affidavit submitted by the 'so called representative' was accepted, without any verification, the certification of the standing order by the Certifying Authority was quashed.

11. It may be noticed that the appeal against the order passed by the Certifying Authority dated 28.01.2021 was filed by one Manoj Kumar being the General Secretary of the Union. The said General Secretary himself had given an affidavit on 18.01.2021 accepting therein that the draft standing order was sent to them for comments and that they accept the same, a copy of which affidavit has been appended as Annexure P-4, which was also placed before the Certifying Authority while passing the order dated 28.01.2021. The said affidavit has gone un-rebutted at the hands of the respondent-workmen, wherein, Manoj Kumar Upadhyay Executive Member of workmen-Union has clearly mentioned that the draft standing order was brought to the notice of the colleagues and same was discussed upon and thereafter, after the workmen understood the contents of the standing order, the same was not objected to.

12. Once, Manoj Kumar's affidavit is on record who is the General Secretary and was representing the Union, the order passed by the Appellate Authority is perverse, wherein, a finding has been recorded that the verification of the elected representative of the Trade Union, giving consent to the standing order was not done before accepting their affidavits. The



Appellate Authority failed to notice that the appeal which was filed by Manoj Kumar Upadhyay, had also given an affidavit which was also taken into account by the Certifying Officer, therefore, the ground taken by the Appellate Authority to set-aside the order of Certifying Authority dated 28.01.2021 is incorrect and cannot be sustained.

13. Learned counsel for the respondent-workmen submits that each workman should have been consulted with before the standing order was certified. The petitioner-Company has brought on record the photographs where the draft standing order could be seen posted on the notice board, which fact has also gone un-rebutted. Further, once the workmen were being represented by their elected representative, asking and consulting everyone in a personal capacity, cannot be accepted, especially when, elected representative of the workmen in their affidavit have clearly mentioned that the draft standing order was discussed with all the workmen before the same was accepted. Hence, the ground that each and every workman should have been consulted before certifying the standing order, is not correct and cannot be accepted.

14. Keeping in view the facts of the present case, the impugned order dated 20.09.2022 (Annexure P-17) passed by the Appellate Authority is set-aside.

15. Though, the workmen are raising grievance with regard to the prescription of the retirement age which according to the approved standing order is reached upon attaining the age of 58 years or rendering 25 years of service with petitioner. In case any workman or Union is aggrieved against the said clause of the standing order, they can have the appropriate remedy



before appropriate forum challenging the provision in the said standing order in accordance with law.

16. Petition is allowed in above terms.

17. Pending miscellaneous application, if any, also stands disposed of.

July 28, 2025
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No