



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 28.10.2025

1. LPA No.2489 of 2025 (O&M)
SUCHITRA NATH BEHERA
.....Appellant

Versus

PRESIDING OFFICER INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-II, GURUGRAM AND ANOTHER
.....Respondents
2. LPA No.2492 of 2025 (O&M)
KRISHNA PRATAP SINGH
.....Appellant

Versus

PRESIDING OFFICER INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-II, GURUGRAM AND ANOTHER
.....Respondents
3. LPA No.2496 of 2025 (O&M)
HARI LAL SAHAYA
.....Appellant

Versus

PRESIDING OFFICER INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-II, GURUGRAM AND ANOTHER
.....Respondents
4. LPA No.2639 of 2025 (O&M)
SANJAY KUMAR
.....Appellant

Versus

PRESIDING OFFICER INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-II, GURUGRAM AND ANOTHER
.....Respondents



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

Present: Mr. Sanjiv Gupta, Senior Advocate with
Mr. Umesh Sharma, Advocate,
for the appellant(s).

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ANUPINDER SINGH GREWAL, J. (Oral)

CM-6285-LPA-2025 in LPA-2489-2025
CM-6290-LPA-2025 in LPA-2492-2025
CM-6298-LPA-2025 in LPA-2496-2025
CM-6640-LPA-2025 in LPA-2639-2025

These are applications seeking condonation of delay of 9 days
in filing the appeal(s).

For the reasons stated in the applications, the same are allowed.

Delay of 09 days in filing the appeal(s) is condoned.

Main Appeals

As common questions of law and facts are involved in the
aforesaid four appeals, they are being disposed of by this common judgment.
For reference, facts are being taken from LPA No.2489 of 2025.

2. The appellant has challenged the judgment of learned Single
Bench dated 03.07.2025, whereby his case has been remanded back to the
Labour Court for fresh adjudication.

3. Learned senior counsel for the appellant submits that the
services of the appellant, who was working as Assistant Store, had been
illegally terminated. He further submits that the appellant had specifically
pleaded in his claim petition that he was 'workman' as per definition of



‘Workman’ provided in the Section 2 (s) of the Industrial Disputes Act, 1947 (hereinafter referred to as ‘the Act of 1947’) and the Labour Court had rightly reinstated him with continuity of service along with benefit of full back wages. Therefore, there was no occasion for learned Single Bench to have remanded the case to the Labour Court for fresh adjudication.

4. Heard.

5. The appellant, who was stated to be working as Assistant Store with respondent No.2 and drawing a salary of Rs.16,648/- per month, had filed claim petition before the Labour Court challenging his termination. In the claim petition seeking reinstatement along with continuity of service, he had merely stated that he was working as Assistant Store with respondent No.2 prior to his termination on 16.04.2013 and therefore, he was a ‘workman’ as per Section 2 (s) of the Act of 1947. However, the nature of the duties had not been elaborated and as to whether he was working in an administrative capacity. Respondent No.2-employer in its written statement had specifically denied that the appellant was a workman and had categorically stated that he was working on a supervisory post.

6. We are in agreement with the judgment of learned Single Bench that it was enjoined upon the appellant to have specifically averred that he was a ‘workman’ and the nature of his duties ought to have been set out. Only after the appellant had established that he was a ‘workman’, the question of legality of the termination could have been determined. We, therefore, do not find any illegality in the impugned judgment of learned Single Bench remanding the case to the Labour Court for fresh adjudication.



7. At this juncture, learned senior counsel for the appellant submits that the Labour Court be directed to decide the claim petition preferred by the appellant in a time bound manner as the appellant has been in litigation for almost 11 years.

8. We deem it appropriate to direct the Labour Court to consider and decide the claim petition expeditiously preferably within a period of four months from the date of receipt of certified copy of this order.

9. Disposed of in the above terms.

10. All pending miscellaneous application(s) also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

28.10.2025
sandeep

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No