



130 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26296-2025

Date of Decision: 11.09.2025

**THE SEERWALI MULTIPURPOSE COOPERATIVE AGRICULTURAL
SERVICE SOCIETY LTD. ...Petitioner**

Vs.

**PRITAM SINGH (SINCE DECEASED) THROUGH HIS LRS AND
ANOTHER ...Respondents**

CORAM:- HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Anshuman Chopra, Advocate with
Mr. Deepesh Kakkar, Advocate for the petitioner.

KULDEEP TIWARI, J. (Oral)

CM-13528-CWP-2025

For the good and valid reasons, assigned in the application, the same is allowed as prayed for, and the additional documents (Annexure P+-6 and P-7) are taken on record, subject to all just exceptions.

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1. The present petitioner has approached this Court to challenge the interim order dated 03.06.2025 (Annexure P-5), passed by the Industrial Tribunal, Bathinda, where through, his application to decide the maintainability of the application, preferred by Workman, under Section 33-C(2) of the Industrial Disputes Act, 1947 (in short the 'Act'), as the pre-liminary issue has been declined.

2. Learned counsel for the petitioner submits that the petitioner, being a Cooperative Society, is governed by the Cooperative Societies Rules, 1927 (hereinafter referred to as "the Rules"), which also regulate the service conditions of its employees. Consequently, the petitioner is subject to the jurisdiction of the Industrial Tribunals. In this regard, an application (Annexure P-3), was filed seeking summary dismissal of the reference made by the workman. However, the



same was dismissed by the impugned order. While the counsel for the petitioner has made several submissions regarding the applicability of the Act to the petitioner, he ultimately limits his prayer to the argument that, even assuming the petitioner is amenable to the Act (which is not conceded), respondent No. 1 does not qualify as a "workman" under the Act. This is because respondent No. 1 holds the position of Secretary, and is drawing a salary exceeding Rs. 20,000/- per month.

3. This Court has specifically put a query to learned counsel for the petitioner, whether, this ground was raised in the written statement, or in the application, to which the answer was fairly in the 'negative'. In light of this, learned counsel for the petitioner submits that he may be permitted to amend the written statement to include additional objections regarding the maintainability of the reference.

4. This Court has duly considered the submissions made by learned counsel for the petitioner, and also perused the impugned order. Considering the totality of the circumstances, this Court finds that the prayer seeking permission to amend the written statement is bona fide and innocuous in nature. Accordingly, this Court permits the petitioner to file appropriate application before the Industrial Tribunal concerned, wherein he can take pre-liminary objections to the effect that respondent No.1 does not qualify as a Workman as defined under the Act. In case such an application is filed within 30 days from the passing of this order, Tribunal shall take appropriate decision as per law.

5. **Disposed of**, accordingly.

(KULDEEP TIWARI)
JUDGE

11.09.2025

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*