



CWP-8363-2005

1

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

(228)

CWP-8363-2005

Date of Decision : 13.01.2026

The Chief Engineer, Canals, Punjab and another

...Petitioners

Versus

Kulwinder Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. T.P.S. Walia, DAG, Punjab
for the petitioners.

Mr. Ankit Midha, Advocate
for the respondent No.1.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant writ petition, the Management has challenged the award dated 03.03.2005 (Annexure P-3), passed by the learned Labour Court, Patiala (respondent No.2), where through, the reference was partially answered in favour of the respondent No.1/workman, and he was granted the relief of re-instatement with continuity. However, back wages were denied to the respondent No.1/workman.

2. The instant writ petition is pending adjudication before this Court, since the year 2005, and it was ordered to be admitted, vide order dated 26.05.2005, passed by the Coordinate Bench of this Court. However, the prayer made for stay of the award (supra), was specifically denied. Thereupon, the respondent No.1/workman, was allowed to join the duty, and he is still working with the petitioner/company, for the last more than 20 years.



3. In the light of supervening event, this Court finds that the learned counsel for the petitioner has thrown challenge to the impugned award on two grounds, first on delay; and second that the respondent No.1/workman, has not completed minimum 240 days continuously in the preceding year, and does not fall under the category of industry, as defined under the Industrial Disputes Act, 1947 (for short 'the ID Act'), and the same is required to be adjudicated.

4. Learned counsel for the petitioner further submits that the respondent No.1/workman, has left the service on 11.09.1996, on his own, and filed the claim on 21.05.1999, and therefore, the reference should not have been accepted on account of delay.

5. This Court has put a specific query to learned counsel for the petitioner, with regard to the period of limitation as prescribed under Section 10 (1) (c) of the ID Act, as to whether, apt challenge has been thrown to the reference, to which, he fairly answered in negative. Further, the learned Tribunal concerned, finds that the respondent No.1/workman, has completed 240 days, as he continued working with the petitioner/Management, w.e.f. 01.09.1995 to 10.09.1996, as Beldar, and therefore, finding the infraction of Section 25-F of the ID Act, the order of re-instatement was passed.

6. Learned counsel for the petitioner is unable to point out from the record that the workman has not completed 240 days, continuously in the preceding year, from the date of termination of his services.

7. No other argument was raised.

8. The argument as raised by the learned counsel for the petitioner, that the respondent No.1/workman, does not fall within the ambits of industry, as defined under the ID Act, which has no significance, as this issue has



CWP-8363-2005

3

already been adjudicated by the Hon’ble Supreme Court in *‘Bangalore Water Supply and Sewerage Board versus A. Rajappa and others’ (1978) 2 SCC 213.*

9. In view of the ratio laid down by the Hon’ble Supreme Court, in the judgment (supra), this Court does not find any merit in the submissions made by the learned counsel for the petitioner, specifically, to the effect, that respondent No.1/workman, is working continuously with the petitioner/Management, for the last more than 20 years.

10. Consequently, the instant writ petition is **dismissed**, being devoid of any merit.

(KULDEEP TIWARI)
JUDGE

January 13, 2026
Manpreet

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