



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(121)

CWP No. 869 of 2025

Date of Decision : 16.01.2025

M/s Apex Security & Detective Force (P) Ltd.

...Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon and
others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the Award granted by the Tribunal dated 03.09.2015 (Annexure P-4) by which, the respondent-employee was held to be the employee of the petitioner and a finding has been recorded that the services of the respondent-employee has been terminated on 30.12.2011 without following the provisions of Section 25F of the Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act').

2. Learned counsel for the petitioner has argued that the finding recorded by the Tribunal that the respondent-employee was a 'Workman' is incorrect as, his designation was Field Supervisor, hence, a Supervisor cannot be treated as a 'Workman' so as to grant the relief under 1947 Act, especially when the salary of the respondent-Workman while working on a Supervisory post was more than ₹10,000/-.



3. On being asked to point out any evidence brought on record to controvert the findings recorded in the impugned Award to the effect that there is nothing on record to show that the respondent-employee was discharging the Supervisory function so as to treat the said finding as perverse, learned counsel for the petitioner fairly concedes that petitioner never participated in the proceedings before the Industrial Tribunal. That being so, once the assertion of the respondent-Workmen that even while working as a Field Supervisor he was doing manual job which fact has gone un-rebutted before the Tribunal, said argument cannot be raised before this Court as there is no evidence brought on record by the petitioner to rebut the contention of the Workman, which has been accepted by the Tribunal.

4. Further, learned counsel for the petitioner submits that respondent No. 2 was posted with M/s Koutons Retails India Pvt. Ltd., who was also impleaded, hence, the said respondent was required to prove that he has not completed 240 days so as to avail the benefit of Section 25F of 1947 Act.

5. It may be noticed that the Workman was the employee of the petitioner and not of a Factory Outlet where the Workman was posted by the petitioner. Even if the Workman has not completed 240 days with the Institution where he was posted, still he remains the employee of the petitioner till his services are terminated by the petitioner, hence, the assertion of the petitioner that it was the duty of the respondent No. 2 before the Tribunal to prove or to rebut the completion of 240 days by the respondent-Workman cannot be accepted.

6. No other argument is raised.



7. Keeping in view the above, no ground is made out for any interference by this Court in the present petition.

8. Dismissed.

January 16, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No