



CWP-18622-1995(O&M)

-1-

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

218

CWP-18622-1995(O&M)

Date of Decision :22.07.2025

Balbir Singh Puri (deceased) through LRs**...Petitioners**

Versus

**Presiding Officer, Labour Court, U.T.
Chandigarh and another****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Deepak Thapar, Advocate for the petitioner.

None for the respondents.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, challenge is to award dated 30.05.1995 (Annexure P/11) passed by the Presiding Officer, Labour Court, U.T. Chandigarh by which, the claim raised by the petitioner under the Industrial Disputes Act, 1947 (hereinafter referred as '1947 Act') has been rejected on the ground that the petitioner is not covered under the definition of 'workman' so as to avail remedy under the 1947 Act.

2. Learned counsel for the petitioner argues that certain facts which had come on record, had been ignored by the Labour Court while recording such finding hence, the impugned award is perverse to the facts and evidence on record and is liable to be set aside and the petitioner is entitled to be treated as workman so as to consider his claim under the provisions of 1947 Act especially, when the provisions of 1947 Act were



violated while terminating the services of the petitioner hence, the petitioner is entitled for the benefit as claimed before the Labour Court.

3. No one appeared on behalf of the respondents.

4. I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

5. Learned counsel for the petitioner places reliance upon the statement of the petitioner recorded before the Labour Court where the petitioner contended that the petitioner was working as a Foreman and that there were mechanics in the different departments working with the respondent-Establishment and these mechanics were assigned the duties by the Work Manager and not by the petitioner as a Foreman hence, the petitioner cannot be treated as a person performing the duties as a supervisor even though he was designated as Foreman so as to deny him the benefit of being treated as a workman as the duties he was performing, was not of a supervisory nature but a workman.

6. While reading the statement of the petitioner, the petitioner has to read the statement of the Manager also, who has clearly stated that the petitioner was appointed as a Foreman and his job was only to test the vehicles and to depute the same to the mechanic for its repair and he never worked as a mechanic and he was only working as a supervisor over the mechanics to oversee that the vehicles repaired by the mechanics are sent back to the clients after his recommendation.

7. Once, a finding has been recorded by the Labour Court in impugned award that no work was being performed by the petitioner as a mechanic and his job as a Foreman was only to supervise the mechanics and



CWP-18622-1995(O&M)

-3-

to guide them in case any of the Mechanic needs the guidance, the finding recorded by the Labour Court that the petitioner was working in a supervisory capacity and as he was getting salary of Rs.2600/- per month, which is more than what is required to treat an employee as workman rather than supervisor under the 1947 Act, the petitioner cannot be treated as a workman and the said finding needs no interference at the hands of this Court.

8. In order to interfere with the award, perversity is to be proved by the petitioner qua the fact or evidence on record. Even if, there are two different opinions available on the facts even then also, the opinion arrived at by the Labour Court cannot be interfered with so as to hold that the other view was more beneficial.

9. Keeping in view the totality of the facts and circumstances of the present case, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

10. Civil miscellaneous application pending, if any, is also disposed of.

July 22, 2025
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No