

LPA No.1016 of 2026(O&M)
LPA No.1115 of 2026(O&M)
LPA No.1148 of 2026(O&M)

CNR No:PHHC010584522025
2026:PHHC:104235-DB



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

Reserved on:15.07.2026
Pronounced on : 30.07.2026
Pronounced on: 30.07.2026

1. **LPA No.1016 of 2026(O&M)**
Parminder Singh ...Appellant

Versus

Industrial Tribunal Bathinda, through its Presiding Officer and others
...Respondents

2. **LPA No.1115 of 2026(O&M)**
Balwinder Singh ...Appellant

Versus

Industrial Tribunal Bathinda, through its Presiding Officer and others
...Respondents

3. **LPA No.1148 of 2026(O&M)**
Avtar Singh ...Appellant

Versus

Industrial Tribunal Bathinda, through its Presiding Officer and others
...Respondents

CORAM:HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Ms. Simanpreet Kaur Dhawan, Advocate for the appellant.

Mr. Abhilaksh Gaind, Advocate,
Mr. Rakesh Roy, Advocate and
Ms. Priya Jarial, Advocate for respondents No.2 and 3.

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DEEPINDER SINGH NALWA, J.

1. This order shall dispose of three Letters Patent Appeals, bearing LPA Nos.1016, 1115 and 1148 of 2026 which have been filed against the common judgment dated 27.01.2025 passed by the learned Single Judge as they involve identical questions of law and facts.

2. For the sake of reference, the facts are taken from LPA No.1115 of 2026.

3. The present Letters Patent Appeals has been filed against the judgment dated 27.01.2025 passed by the learned Single Judge whereby the writ petition filed by the appellant-workman has been dismissed.

4. The brief facts of the case are that the appellant-workman joined the services of the respondents-Management as a Chowkidar on 28.04.1987. As per the appellant-workman, his services were terminated w.e.f. 23.06.2009. Aggrieved by the said action of the respondents-Management, the appellant-workman served a demand notice, wherein it was pleaded that he was employed as a Chowkidar since the year 1987 and his services were illegally terminated in the year 2009. As per the appellant-workman, he had completed more than 240 days in preceding 12 months from the date of termination of his services. As no notice and compensation was granted to the appellant-workman in terms of provision of Section 25-F of the Industrial Disputes Act, 1947 (in short 'the Act'), as such, the action of the respondents-Management in terminating the services of the appellant-



workman was illegal. Consequently, the appellant-workman was entitled to be reinstated in service.

5. As no settlement could be arrived at between the parties, the dispute was referred to the Industrial Tribunal-cum-Labour Court, Bathinda, for adjudication. The appellant-workman filed his claim statement reiterating the averments made in the demand notice. The respondents-Management duly filed their written statement, wherein it was specifically pleaded that no appointment letter had ever been issued to the appellant-workman. It was further pleaded that no relationship of employee and employer ever existed between the appellant-workman and the respondents-Management. Therefore, the question of termination of his services did not arise.

6. The Industrial Tribunal-cum-Labour Court, Bathinda, vide award dated 16.10.2014, decided the reference against the appellant-workman. A perusal of the award would show that the appellant-workman had failed to lead any evidence to establish that he was an employee of the respondents-Management. Consequently, the said reference preferred by the appellant-workman was rejected being without merits vide award dated 16.10.2014.

7. Aggrieved against the award dated 16.10.2014 passed by the Industrial Tribunal-cum-Labour Court, Bathinda, the appellant-workman filed a Civil Writ Petition No. 13116 of 2015, which was dismissed by the learned Single Judge vide judgment dated 27.01.2025.

A perusal of the said judgment dated 27.01.2025 would show that as the appellant-workman had failed to produce any appointment letter or



any other evidence to establish that he was an employee of the respondents-Management, as such, it was held that there is no ground for interference in the award dated 16.10.2014 passed by the Industrial Tribunal-cum-Labour Court, Bathinda. Aggrieved against the judgment dated 27.01.2025 passed by the learned Single Judge, the appellant-workman has preferred the present Letters Patent Appeal.

8. The only contention raised by learned counsel appearing on behalf of the appellant-workman is that once the relevant record/records was summoned by the appellant-workman, the onus shifted upon the respondents-Management to establish that there was no relationship of employee and employer existed between the appellant-workman and respondents-Management. She submits that the abovesaid factor was not taken into consideration either by the Industrial Tribunal-cum-Labour Court, Bathinda, while passing the award dated 16.10.2014 and by the learned Single Judge while rendering the judgment dated 27.01.2025. Accordingly, the said award dated 16.10.2014 and the judgment dated 27.01.2025 deserve to be set aside and the appellant-workman is entitled to be reinstated in service with all consequential benefits.

9. On advance notice, Mr. Abhilaksh Gand, Advocate appears on behalf of respondents No.2 and 3 i.e. respondents-Management. Learned counsel for the respondents-Management submits that the initial onus always lies upon the workman to establish the relationship of employee and employer and once the onus is



Learned counsel for respondents No.2 and 3 submits that in the present case, no evidence whatsoever was led by the appellant-workman to establish that he was an employee of the respondents-Management. As such, there is no infirmity or illegality in the award dated 16.10.2014 passed by the Industrial Tribunal-cum-Labour Court, Bathinda and in the judgment dated 27.01.2025 passed by the learned Single Judge. Therefore, the present appeal deserves to be dismissed.

10. We have heard learned counsel for the parties at length and perused the record.

11. The only issue involved in the present appeal is whether there existed a relationship of employee and employer between the appellant-workman and the respondents-Management in a case when workman does not lead any evidence to show relationship of employee and employer.

12. In regard to the contention raised by learned counsel for the appellant-workman is concerned, it is well settled that the initial onus lies upon the workman to establish the relationship of employee and employer. It is an admitted fact that the appellant-workman did not lead any evidence to establish that he was an employee of the respondents-Management. It is also not in dispute that once the appellant-workman summons the relevant record, the onus shifts upon the respondents-Management to prove that there is no relationship of employee and employer between the appellant-workman and the respondents-Management. A perusal of the facts of the case would

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summoned record through MW-1, Dupinder Singh, Warehouse Manager, who specifically stated that no appointment letter was issued to the appellant-workman and no relationship ever existed between the parties. It is also not the case of the appellant-workman that on the basis of record produced by the respondents-Management it can be proved that the appellant-workman was the employee of the respondents-Management.

13. Taking into consideration the abovesaid facts, this Court finds no illegality or infirmity in the judgment dated 27.01.2025 passed by the learned Single Judge warranting interference in the present appeal.

14. Accordingly, all the present Letters Patent Appeals are dismissed.

15. Pending applications, if any, also stand disposed of.

(SUVIR SEHGAL)
JUDGE

(DEEPINDER SINGH NALWA)
JUDGE

30.07.2026
d.gulati

Whether speaking / reasoned :
Whether Reportable :

Yes	No
Yes	No