

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 10516 of 2015
Date of decision : May 25, 2015

Vinod Kumar Yadav

..... Petitioner

Versus

**Presiding Officer Industrial Tribunal and Labur Court,U.T.
Chandigarh and others**

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Amit Kaith, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

The challenge in the present writ petition is to the award dated 11.12.2014 (Annexure P-14) whereby reference made by the petitioner-workman has been answered against him on the premise that there is no relationship of employer and employee.

Learned counsel for the petitioner submits that the petitioner was appointed as a Peon in the Government College, Sector 46, Chandigarh through service provider M/s Golden Eagle Security Services in the year 2006 i.e. w.e.f.17.11.2006 and thereafter by M/s Royal Punjab Soldier Industrial Security Services and his services were illegally terminated on 21.4.2009 which necessitated the workman to raise demand notice and on failure of

the conciliation proceedings the matter was referred to the Labour Court. He further submits that there is violation of provisions of Section 25-F of the Industrial Disputes Act, 1947, therefore, the petitioner is entitled to reinstatement.

I have heard learned counsel for the petitioner and appraised the paper book.

The document placed on record shows that the Principal Government College, Sector 46, Chandigarh had received the sanction from the office of Director Public Instructions to fill up/engage one peon through the Service Provider and on that basis, vide letter dated 30.10.2006 (Annexure P-3), The Principal, Govt. College, Sector 46, Chandigarh wrote a letter to M/s Golden Eagle Security Services to send the name of the candidates for interview, thereafter, service of the petitioner was availed and subsequently through another Service Provider M/s Royal Punjab Soldier Industrial Security Services.

The workman when appeared in the cross-examination categorically admitted that he was paid salary through the Service Provider.

In view of the aforementioned categoric admission it leaves no manner of doubt that there was no relationship of employer and employee, much less master and servant, therefore the petitioner cannot be stated to be an employee of the Government College, Sector 46, Chandigarh. At the best he could be an employee of the Service Provider. However, the Service Provider has not been impleaded before the Labour Court, much less no

demand notice was raised.

The finding rendered by the Labour Court is based on appreciation of oral and documentary evidence. There could have been some substance in the plea of the petitioner, had the petitioner been a skilled worker but the post of the peon cannot be said to be a skilled worker. There is no merit in the writ petition.

Accordingly, the writ petition is dismissed.

(AMIT RAWAL)
JUDGE

May 25 , 2015
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