

**In the High Court of Punjab & Haryana at Chandigarh**

**LPA-1643-2015 (O&M)**

**Date of decision:18.11.2015**

**Zonal Manager, Punjab and Sind Bank and others**

**..... Appellants**

**Vs.**

**Tajinder Pal Singh and others**

**..... Respondents**

Present: Mr. R.Kartikeya, Advocate  
for the appellants.

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA  
HON'BLE MRS. JUSTICE RAJ RAHUL GARG**

**HEMANT GUPTA,J.(ORAL)**

This order shall dispose of LPA Nos.1643, 1644, 1645,  
1646, 1647, 1648, 1649 and 1650 of 2015.

The challenge in the present Letters Patent Appeal is to an order passed by learned Single Judge of this Court on 16.09.2015 wherein the writ petitions filed by the appellants questioning the Award of the Central Government Industrial Tribunal (for short "The Tribunal") dated 09.04.2015, were dismissed.

The argument raised by learned counsel for the appellants is that there were two sets of award rendered by the Tribunal in respect of eight references, which have been decided by the Tribunal vide order dated 9.4.2015. The Tribunal has granted compensation ranging from Rs.21,000/- to Rs.30,000/- and odd in the Awards, subject matter of these appeals. In the said case, the learned Single Judge has granted liberty to the appellant, on the principle of vicarious liability, to seek recovery of the awarded amount from the District Sainik Welfare

Office through which the salary was paid. It is contended that since the same question is under adjudication in the other set of writ petitions, the question should be left open rather than to compel the appellant to initiate recovery proceeding as such action will in fact lead to multiple proceedings which will not be in the interest of justice.

We have heard learned counsel for the appellants and find no merit in the present Letters Patent Appeals. A perusal of communication (Annexure P1) shows that District Sainik Welfare Officer, Jalandhar has selected the Ex. Servicemen mentioned in the said letter after interview for engagement as temporary Guards with the appellant-Bank. It is thereafter, the workmen were engaged by the appellants though as per the appellants, the salary was being disbursed through District Sainik Welfare Officer. The workmen have worked for the appellants and have paid salary by them but through the Sainik Welfare Board. The Sainik Welfare Officer will not be employer only for the reason, the wages were being disbursed through them. The workmen have worked for the appellant and that the appellants are liable to pay wages. This arrangement will not create an employment of the Workmen under the Sainik Welfare Officer. It is the appellant-Bank who is the employer. It cannot be said that there is any privity of contract of employment between the District Sainik Welfare Office and the workmen. The District Sainik Welfare Office is only a facilitating agency created for the welfare of the ex-servicemen and not an employer of the ex-servicemen.

In view thereof, we do not find any merit in the appeals and the same are dismissed.

**[ Hemant Gupta ]**  
**Judge**

November 18, 2015.  
*smriti/kadyan*

**[ Raj Rahul Garg ]**  
**Judge**