

LPA No.813 of 2016 & 20 connected cases -1-

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

1) LPA No.813 of 2016 (O&M)

Satyapal
.....Appellant

Versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Hisar, Haryana and others
.....Respondents

2) LPA No.814 of 2016 (O&M)

Mange Ram
.....Appellant

Versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Hisar, Haryana and others
.....Respondents

3) LPA No.819 of 2016 (O&M)

Shamsher Singh
.....Appellant

Versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Hisar, Haryana and others
.....Respondents

4) LPA No.820 of 2016 (O&M)

Dharamvir Singh
.....Appellant

Versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Hisar, Haryana and others
.....Respondents

5) LPA No.821 of 2016 (O&M)

Karan Singh
.....Appellant

Versus

Presiding Officer, Industrial Tribunal-cum-

LPA No.813 of 2016 & 20 connected cases -2-

Labour Court, Hisar, Haryana and others
....Respondents

6) LPA No.822 of 2016 (O&M)

Attar Singh
.....Appellant
Versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Hisar, Haryana and others
....Respondents

7) LPA No.823 of 2016 (O&M)

Rup Singh
.....Appellant
Versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Hisar, Haryana and others
....Respondents

8) LPA No.871 of 2016 (O&M)

Zile Singh
.....Appellant
Versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Hisar, Haryana and others
....Respondents

9) LPA No.884 of 2016 (O&M)

Karan Singh
.....Appellant
Versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Hisar, Haryana and others
....Respondents

10) LPA No.885 of 2016 (O&M)

Ishwar Singh
.....Appellant
Versus

Presiding Officer, Industrial Tribunal-cum-

LPA No.813 of 2016 & 20 connected cases -3-

Labour Court, Hisar, Haryana and others
....Respondents

11) LPA No.886 of 2016 (O&M)

Mange Ram
.....Appellant
Versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Hisar, Haryana and others
....Respondents

12) LPA No.887 of 2016 (O&M)

Jaipal Singh
.....Appellant
Versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Hisar, Haryana and others
....Respondents

13) LPA No.888 of 2016 (O&M)

Umed Singh
.....Appellant
Versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Hisar, Haryana and others
....Respondents

14) LPA No.1094 of 2016 (O&M)

Bharat Singh
.....Appellant
Versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Hisar, Haryana and others
....Respondents

15) LPA No.1095 of 2016 (O&M)

Om Parkash
.....Appellant
Versus

Presiding Officer, Industrial Tribunal-cum-

LPA No.813 of 2016 & 20 connected cases -4-

Labour Court, Hisar, Haryana and others
....Respondents

16) LPA No.1096 of 2016 (O&M)

Jai Singh
.....Appellant
Versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Hisar, Haryana and others
....Respondents

17) LPA No.1097 of 2016 (O&M)

Jagdev Singh
.....Appellant
Versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Hisar, Haryana and others
....Respondents

18) LPA No.1098 of 2016 (O&M)

Jagbir Singh
.....Appellant
Versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Hisar, Haryana and others
....Respondents

19) LPA No.1099 of 2016 (O&M)

Daya Ram
.....Appellant
Versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Hisar, Haryana and others
....Respondents

20) LPA No.1192 of 2016 (O&M)

Jaivir Singh
.....Appellant
Versus

Presiding Officer, Industrial Tribunal-cum-

LPA No.813 of 2016 & 20 connected cases -5-

Labour Court, Hisar, Haryana and others

....Respondents

21) LPA No.1193 of 2016 (O&M)

Shamsher Singh

....Appellant

Versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Hisar, Haryana and others

....Respondents

Date of Decision : 01.12.2016

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

Present: Mr. Sumeet Jain, Advocate
for the appellant(s).

MAHESH GROVER, J.

Delay in filing the appeals condoned.

By this order we will dispose of aforesaid 21 appeals which have arisen from the judgment of the learned Single Judge dated 13.05.2015.

The appellants, who are all similarly situated, have stated in their demand notices that they were engaged through the agency of Haryana Ex-Serviceman League (hereinafter known as 'HESL') as Meter Readers to work for Dakshin Haryana Bijli Vitran Nigam Limited (hereinafter known as 'the Corporation'). It is pleaded that they were engaged w.e.f. 28.11.2005 on a salary of Rs.6,000/- per month, but their services were abruptly terminated without compliance of the provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act'). It is also pleaded that some juniors have been retained thus violating the

LPA No.813 of 2016 & 20 connected cases -6-

provisions of Section 25-F and 25-H of the Act. A demand notice has been placed on the record by way of Civil Misc. No.4546 in one of the appeals bearing LPA No.823 of 2016 and it is stated that it is similar and thus be read into all the appeals.

The Tribunal concluded that there was no relationship of employer and employee between the Corporation and the appellants, as they were admittedly engaged by HESL to perform work for the Corporation and thus mandated the HESL to reinstate the appellants into service with all consequential benefits but for back wages with immediate effect.

The appellants dissatisfied with the award of the Tribunal had preferred writ petitions from where the impugned judgment has emerged, and it is contended by the learned counsel for the appellants that they being employees of the Corporation would be entitled to reinstatement of service with the Corporation. It has been argued that since the work was of permanent nature and was being performed for the Corporation, relationship of employer and employee should be deemed to be in existence for all practical purposes between the Corporation and the appellants.

We are unable to agree with the submissions made by the learned counsel for the appellants. The Labour Court had rightly noticed that there was no relationship of employer and employee between the Corporation and the appellants and thus mandated reinstatement of services of the appellants with HESL who was their principal employer. The back wages were granted.

The learned Single Judge concluded likewise and did not disturb the arrangement which would have accrued from the subsequent mandate of the Labour Court warranting reinstatement in service with HESL. Thus, inferentially the award of the Labour Court was upheld in totality.

It has been brought to our notice that the award stood satisfied as the HESL took the appellants back in service but terminated their services soon thereafter.

Learned counsel for the appellants contends that adequate procedures have been adopted to assail the action of the HESL in this regard. Be that as it may, we would not comment on this aspect but deem it appropriate to direct that in case such proceedings have been initiated before the Labour Court, they shall be concluded as expeditiously as possible, preferably within one year of the initiation of such proceedings, considering that the appellants are waging their cause for the last about seven years. We also deem it appropriate to caution the Labour Court about unfair labour practices being adopted by the contractors in this regard.

All the appeals stand disposed of accordingly.

(MAHESH GROVER)
JUDGE

01.12.2016
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No