

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

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**CWP-7422-2013 (O&M)
Date of decision:26.10.2017**

Avtar Singh

....Petitioner

Versus

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

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. N.K.Nagar, Advocate for the petitioner.

Mr. V.M.Gupta, Advocate for respondent No.2.

Mr. Arun Kumar Kaundal, Advocate for respondent No.3.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, petitioner has challenged the award passed by the Labour Court dated 17.02.2012 (Annexure P-10).

Petitioner was initially appointed by respondent No.2 on 17.11.2000 for a period of 89 days @ Rs.2785/- p.m. to hold the post of Driver. Thereafter, his services were dispensed. Respondent no.2 invoked item No. II (xi) of Schedule I of Punjab Infrastructure Development Board Bye-laws, 2002, which reads as under:-

“Engaging Private Service Providers for cleaning, housekeeping, secretarial work, administrative assistance, managerial/professional assistance, record keeping, library maintenance, according, book keeping and other support services for the office of the Board”

Respondent No.2 entered into an agreement with respondent No.3 for providing services of workman for discharging various work in the respondent No.2-Board. Respondent No.3 engaged services of the petitioner and lend his services to respondent No.2 as per contract entered into between respondents No.2 and 3. The same was extended from time to time. On 12.07.2005, petitioner's services were terminated by respondent No.3-service provider. Thus, petitioner raised an industrial dispute by issuing demand notice

on 28.09.2005. Labour court passed award on 17.02.2012 against the petitioner. Hence the present petition.

Learned counsel for the petitioner submitted that from 17.11.2000 till 12.07.2005 the date on which his services were terminated he has worked with respondent No.2. Consequently, he is entitled for the relief sought in the demand notice. Through out the years 2000 to 2005 petitioner directly worked under respondent No.2. The labour court has erred in holding that petitioner has worked through the service provider-respondent No.3, so he is not entitled for relief under Industrial Disputes Act.

Per contra, learned counsel for respondent No.2 pointed out that initially on 17.11.2000, petitioner's services were engaged for 89 days. Thereafter, no order has been issued appointing him as a Driver so also extending his services beyond the period mentioned in the order of appointment issued by the service provider-respondent No.3 to the petitioner during the period from 2001 to 2005. Thus, it is evident that petitioner was working with respondent No.2 through service provider-respondent No.3. Petitioner has not produced any material to show that he has worked directly under the administrative control of respondent No.2 during the period from 2001 to 2005. In view of these facts and circumstances, no interference is called for in respect of Labour court award dated 17.02.2012 (Annexure P-10).

Accordingly, CWP stands dismissed.

(P.B.BAJANTHRI)
JUDGE

26.10.2017

pooja saini

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No