

Sr. No.212

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

1.LPA No.1881 of 2015(O&M)

Kurukshetra University, Kurukshetra

....Appellant

VS.

Raj Rani and others

....Respondents

2. LPA No.1882 of 2015

Kurukshetra University, Kurukshetra

....Appellant

VS.

Presiding Officer and others

....Respondents

3. LPA No. 1883 of 2015

Kurukshetra University, Kurukshetra

....Appellant

VS.

Presiding Officer and others

....Respondents

4. LPA No. 1884 of 2015

Kurukshetra University, Kurukshetra

....Appellant

VS.

Kulwant Singh and others

....Respondents

5. LPA No. 1885 of 2015

Kurukshetra University, Kurukshetra

....Appellant

VS.

Presiding Officer and others

....Respondents

6. LPA No. 1886 of 2015

Kurukshetra University, Kurukshetra

....Appellant

VS.

Presiding Officer and others

....Respondents

7. LPA No.5 of 2016

Kurukshetra University, Kurukshetra

....Appellant

VS.

Vajender Singh and others

....Respondents

8. LPA No. 19 of 2016

Kurukshetra University, Kurukshetra

....Appellant

VS.

Presiding Officer and others

....Respondents

9. LPA No. 20 of 2016

Kurukshetra University, Kurukshetra

....Appellant

VS.

Jaswinder Singh and others

....Respondents

10.LPA No.21 of 2016

Kurukshetra University, Kurukshetra

....Appellant

VS.

Presiding Officer and others

....Respondents

11.LPA No.63 of 2016

Kurukshetra University, Kurukshetra

....Appellant

VS.

Presiding Officer and others

....Respondents

12. LPA No.138 of 2016

Kurukshetra University, Kurukshetra

....Appellant

VS.

Subhash Chand and others

.....Respondents

13. LPA No.140 of 2016

LPA-1881-2015(O&M) and other connected cases

-3-

Kurukshetra University, Kurukshetra

.....Appellant

VS.

Presiding Officer and others

....Respondents

14. LPA No.141 of 2016

Kurukshetra University, Kurukshetra

.....Appellant

VS.

Presiding Officer and others

....Respondents

15. LPA No.142 of 2016

Kurukshetra University, Kurukshetra

.....Appellant

VS.

Presiding Officer and others

....Respondents

16. LPA No. 162 of 2016

Kurukshetra University, Kurukshetra

.....Appellant

VS.

Presiding Officer and others

....Respondents

AND

17. LPA No. 163 of 2016

Date of Decision: January 30, 2017

Kurukshetra University, Kurukshetra

.....Appellant

VS.

Presiding Officer and others

....Respondents

**CORAM HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MRS.JUSTICE SNEH PRASHAR**

Present:- Mr.Rajinder Singh Rana, Advocate for the appellant.

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MAHESH GROVER, J (ORAL)

CM-232-2017 in LPA No. 1881 of 2015

CM is allowed.

Annexure A1 is taken on record, subject to all just exceptions.

LPA No.1881 of 2015 and other connected cases

This order will dispose of all the above mentioned seventeen appeals bearing Nos.1881 to 1886 of 2015 and LPA Nos. 5, 19, 20, 21, 63, 138, 140 to 142, 162 and 163 of 2016 as they involve commonality of facts.

In all the appeals, the judgment of the learned Single Judge dated 16.10.2015 have been impugned.

The appellant is a University who had engaged workmen on daily wages for different works (although this fact of engagement of the labour by the University is strenuously disputed before us by putting up a plea that workmen were engaged through the agency of a contractor in view of outsourcing policy which was in existence and has been placed on record by separate misc. application. All the workmen whose services were dispensed with, approached the Labour Court by raising an Industrial dispute where the issue of validity of termination of their services was gone into.

The appellants had pleaded that the services of the workmen were engaged through a contractor. Infact there is a lack of clarity insofar as the stand of the University is concerned. Rather than pleading a positive case to this effect, they have stated that the workmen had admitted that they were engaged through a contractor.

The demand notice submitted by the workmen would, however,

believe such a fact. The only fact pleaded by the workmen is that they worked

'on muster rolls under sanction and contract basis issued by the University.'

There was thus, no specific plea raised by the appellants of the workmen being engaged under an outsourcing policy through a contractor. No particulars of the contractor were given and neither was any evidence led to this effect. The muster rolls, the details of the demand, if any, to the contractor for engaging the services of the workmen were manifestly absent from the evidence adduced by the appellants and this fact, therefore, goes a long way to negate such a plea. The learned Single Judge noticed this in para 34 of the impugned judgment and we find no reason to disagree with the same as we have observed that there is absolutely no evidence to this effect. Since the workmen had also worked for number of years, the relief of re-instatment also does not need to be interfered in view of the settled law that length of service or engagement is one of key factors to be considered to grant the relief of re-instatement.

No other argument has been raised even when asked specifically if he wishes to address any other issue.

Consequently, all the appeals are dismissed.

(MAHESH GROVER)
JUDGE

(SNEH PRASHAR)
JUDGE

January 30, 2017
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No