

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1.)

CWP-24029-2012 (O&M)
Date of Decision:-24.04.2018.

Municipal Council, Malerkotla through its Executive Officer Ranbir Singh
E.O.

.....Petitioner

Versus

Piara Singh and others

.....Respondents

(2.)

CWP-24559-2012 (O&M)

Municipal Council, Malerkotla through its Executive Officer Ranbir Singh
E.O.

.....Petitioner

Versus

Mohd. Anwar and others

.....Respondents

(3.)

CWP-24077-2012 (O&M)

Municipal Council, Malerkotla through its Executive Officer Ranbir Singh
E.O.

.....Petitioner

Versus

Rajesh Pathakh and others

.....Respondents

(4.)

CWP-24576-2012 (O&M)

Municipal Council, Malerkotla through its Executive Officer Ranbir Singh
E.O.

.....Petitioner

Versus

Jagtar Singh and others

.....Respondents

(5.)

CWP-24080-2012 (O&M)

Municipal Council, Malerkotla through its Executive Officer Ranbir Singh
E.O.

.....Petitioner

Versus

Gurcharan Singh and others

.....Respondents

(6.)

CWP-24069-2012 (O&M)

Municipal Council, Malerkotla through its Executive Officer Ranbir Singh
E.O.

.....Petitioner

Versus

Gurpreet Singh and others

.....Respondents

(7.)

CWP-24078-2012 (O&M)

Municipal Council, Malerkotla through its Executive Officer Ranbir Singh
E.O.

.....Petitioner

Versus

Raj Kumar and others

.....Respondents

(8.)

CWP-24680-2012 (O&M)

Municipal Council, Malerkotla through its Executive Officer Ranbir Singh
E.O.

.....Petitioner

Versus

Kuldeep Singh and others

.....Respondents

(9.)

CWP-24083-2012 (O&M)

Municipal Council, Malerkotla through its Executive Officer Ranbir Singh
E.O.

.....Petitioner

Versus

Gurmit and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. R.S. Modi, Advocate for the petitioner.

Mr. Vikas Singh, Advocate the respondent-workman.

P.B. BAJANTHRI, J. (Oral)

This common order shall dispose of above numbered 9 writ petitions as the controversy involved in all these petitions are identical. For brevity, facts are being extracted from CWP-24029-2012.

2.) In the instant petition, petitioner, Municipal Council, Malerkotla has questioned the validity of the award passed by the Labour Court dated 30.03.2012 (Annexure P-3).

3.) Respondent-workman's services were stated to have been engaged by the Municipal Council during the period from 1998 to 2001. Municipal Council denied engaging the services of the respondent-workman. On the other hand, it was contended that throughout respondent-workman was appointed through contractor, namely, Sh. Raj Kumar Kapila-MW-2. Thus, there is no relationship of employer and employee. Labour Court has not appreciated that workman's services have been engaged

through the contractor Sh. Raj Kumar Kapila. Perused the evidence of

MW-2 Sh. Raj Kumar Kapila. He has specifically stated in his cross-examination *"I have not issued any appointment letter to the employee. I have no documentary proof with me to prove that workman was engaged by me and any wages were paid by me to the workman."* That apart it was stated by him that he has got no licence to engage labourer in the Water Supply Department read with the log book maintained by the Municipal Council in the year 1999. It is evident that name of respondent-workman is reflected in the log book, therefore, there is a relationship of employer and employee. Thus, Labour Court proceeded to pass award in favour of the respondent-workman to the extent that his services have been engaged by the Municipal Council in view of the log book material. The contention of the petitioner Municipal Council to the extent that respondent-workman was appointed through contractor Sh. Raj Kumar Kapila MW2 cannot be taken into consideration for the reasons that agreement between the Municipal Council and Sh. Raj Kumar Kapila was of the year 2001, whereas, the workman's services have been engaged from 1998 and his services have been dispensed in the year 2001. In view of these facts and circumstances, petitioner has not made out a case so as to interfere with the award passed by the Labour Court.

4.) Accordingly, petitions stand dismissed.

(P.B. BAJANTHRI)
JUDGE

April 24, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.