

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

Date of Decision: August 07.08.2018.

1. CWP-19592 of 2015

Zonal Manager, Punjab and Sind Bank, Jalandhar and others

....Petitioners.

Versus

Sukhwinder Singh and others

...Respondents.

2. CWP-19593 of 2015

Zonal Manager, Punjab and Sind Bank, Jalandhar and others

....Petitioners.

Versus

Bakshish Singh and others

...Respondents.

3. CWP-19595 of 2015

Zonal Manager, Punjab and Sind Bank, Jalandhar and others

....Petitioners.

Versus

Baljinder Singh and others

...Respondents.

4. CWP-19596 of 2015

Zonal Manager, Punjab and Sind Bank, Jalandhar and others

....Petitioners.

Versus

Satnam Singh and others

...Respondents.

5. CWP-19598 of 2015

Zonal Manager, Punjab and Sind Bank, Jalandhar and others

....Petitioners.

Versus

Bal Krishan and others

...Respondents.

6. CWP-19601 of 2015

Zonal Manager, Punjab and Sind Bank, Jalandhar and others

....Petitioners.

Versus

Gurdish Singh and others

...Respondents.

7. CWP-19604 of 2015

Zonal Manager, Punjab and Sind Bank, Jalandhar and others

....Petitioners.

Versus

Kuldeep Singh and others

...Respondents.

8. CWP-19605 of 2015

Zonal Manager, Punjab and Sind Bank, Jalandhar and others

....Petitioners.

Versus

Amrik Singh and others

...Respondents.

9. CWP-2913 of 2016

Navneet Singh

....Petitioner.

Versus

Presiding Officer, Central Government Industrial Tribunal-cum-Labour
Court-I, Chandigarh and others

...Respondents.

10. CWP-2914 of 2016

Baldev Singh

....Petitioner.

Versus

Presiding Officer, Central Government Industrial Tribunal-cum-Labour
Court-I, Chandigarh and others

...Respondents.

11. CWP-2918 of 2016

Shadi Lal

....Petitioner.

Versus

Presiding Officer, Central Government Industrial Tribunal-cum-Labour
Court-I, Chandigarh and others

...Respondents.

12. CWP-2952 of 2016

Kulwant SinghPetitioner.

Versus

Presiding Officer, Central Government Industrial Tribunal-cum-Labour
Court-I, Chandigarh and others
...Respondents.

13. CWP-3169 of 2016

Nishan SinghPetitioner.

Versus

Presiding Officer, Central Government Industrial Tribunal-cum-Labour
Court-I, Chandigarh and others
...Respondents.

14. CWP-3187 of 2016

Tejinder Pal SinghPetitioner.

Versus

Presiding Officer, Central Government Industrial Tribunal-cum-Labour
Court-I, Chandigarh and others
...Respondents.

15. CWP-3212 of 2016

Kamalpreet SinghPetitioner.

Versus

Presiding Officer, Central Government Industrial Tribunal-cum-Labour
Court-I, Chandigarh and others
...Respondents.

16. CWP-3229 of 2016

Daljit SinghPetitioner.

Versus

Presiding Officer, Central Government Industrial Tribunal-cum-Labour
Court-I, Chandigarh and others
...Respondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. R. Kartikeya, Advocate
for the petitioners (in CWP Nos.19592, 19593, 19595,
19596, 19598, 19601, 19604, 19605 of 2015) and
for respondent No.1 (in CWP Nos.2913, 2914, 2918,
2952, 3169, 3187, 3212, 3229 of 2016).

Mr. R.K. Chauhan, Advocate
for the petitioners (in CWP Nos.2913, 2914, 2918, 2952,
3169, 3187, 3212, 3229 of 2016) and
for respondents No.2 to 5 (in CWP Nos.19592, 19593,
19595, 19596, 19598, 19601, 19604, 19605 of 2015).

Mr. H.S. Sitta, Assistant Advocate General, Punjab.

SHEKHER DHAWAN, J.

By this common judgment, the above titled 16 writ petitions are being disposed of as common questions of law and facts are involved therein. CWP Nos.19592, 19593, 19595, 19596, 19598, 19601, 19604, 19605 of 2015 have been filed by the Management-Punjab & Sind Bank, challenging the award dated 24.02.2015 passed by learned Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh (for short, 'the Tribunal') and the rest CWP Nos.2913, 2914, 2918, 2952, 3169, 3187, 3212, 3229 of 2016 have been filed by the workmen for enhancement of compensation.

2. For facility of reference, facts are being taken from CWP No.19592 of 2015-Zonal Manager, Punjab & Sind Bank, Jalandhar vs. Sukhwinder Singh and others.

3. As per the petitioner-Bank, they made a request to District Sainik Welfare Board, Jalandhar-respondent No.2 herein, for providing them temporary guards and in pursuance thereto, Sukhwinder Singh-respondent No.1 (hereinafter referred to as the 'workman') was appointed as Security Guard with the petitioner-Bank on the basis of interview vide appointment letter dated 20.09.2007. As per terms and conditions of the appointment letter, the services of the workman could be terminated by giving him one month's notice.

4. Subsequently, services of the workman were terminated on 31.07.2012 without complying with the provisions of Section 25(F) of the Industrial Disputes Act, 1947 (for short, 'the Act'). The workman served demand notice dated 24.12.2012 and thereafter filed claim petition before the Tribunal. As per the petitioner-Bank, services of the workman were engaged through the service provider and respondent No.1 was not covered under the definition of 'workman'.

5. The said industrial dispute was decided by learned Tribunal vide award dated 24.02.2015 (Annexure-P10).

6. Learned counsel representing the petitioner-Bank fairly conceded that the controversy as to whether there was relationship of employer and employee between the petitioner-Bank and the workman has already been decided by Division Bench of this court in LPA No.1643 of 2015 titled 'Zonal Manager, Punjab and Sind Bank and others vs. Tajinder Pal Singh and others' and it has been held that there was no privity of contract of employment between District Sainik Welfare Board and the workman. However, in subsequent bunch of writ petition bearing CWP No.19594 of 2015 titled 'Zonal Manager, Punjab and Sind Bank and others

vs. Tajinder Pal Singh and others' decided on 16.09.2015, issue was left open to the Bank on the principles of vicarious liability to seek recovery of the awarded amounts, if any, in whole or in part from the District Sainik Welfare Board through which salary was paid. It was also made clear that in case such an action is brought in a court of law, the District Sainik Welfare Board would have all pleas available to it in law to defend the action which would be decided on merits without being influenced by this order.

7. Having considered the submissions made by learned counsel for the parties and appraisal of the record, this Court is of the considered view that the scope of controversy has certainly been narrowed down in the light of Division Bench judgment of this Court in LPA No.1643 of 2015 titled 'Zonal Manager, Punjab and Sind Bank and others vs. Tajinder Pal Singh and others' wherein it was held that there exists relationship of employee and employer between the petitioner-Bank and the workman. The question to be decided in the present bunch of writ petitions is whether the lump sum compensation awarded by learned Tribunal is justified or the same requires any interference. Perusal of the award shows that learned Tribunal has already considered the material facts and has taken the most fair and reasonable view with regard to payment of compensation to the workmen, which in the considered opinion of this Court does not call for any interference.

8. Resultantly, all the present writ petitions i.e. CWP Nos.19592, 19593, 19595, 19596, 19598, 19601, 19604, 19605 of 2015 filed by the Management-Punjab & Sind Bank, challenging the impugned award, are dismissed and the workmen shall be entitled to compensation as awarded

by the Tribunal and CWP Nos.2913, 2914, 2918, 2952, 3169, 3187, 3212, 3229 of 2016 filed by the workmen for enhancement of compensation, have no merit and stand dismissed.

9. Before parting, it is observed that the issue will remain open to the Bank on the principles of vicarious liability to seek recovery of the awarded amounts, if any, in whole or in part from the District Sainik Welfare Board through which salary was paid. In case such an action is brought in a court of law, the District Sainik Welfare Board would have all pleas available to it in law to defend the action which would be decided on merits without being influenced by this order.

(SHEKHER DHAWAN)
JUDGE

August 07, 2018.
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Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No