

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

LPA-1178-2018 (O&M)

Date of decision:- 27.05.2019

Municipal Council, Malerkotla

...Appellant

Versus

Piara Singh and others

...Respondents

alongwith LPA-1179-2018, LPA-1180-2018, LPA-1181-2018,
LPA-1182-2018, LPA-1183-2018, LPA-1184-2018, LPA-1185-2018 &
LPA-1189-2018.

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. G.S. Attariwala, Advocate,
for the appellant.

Mr. Vikas Singh, Advocate,
for respondent No. 1.

Ms. Monica Chhibbar Sharma, Senior DAG, Punjab.

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KRISHNA MURARI, C.J. (ORAL)

These intra court appeals under clause X of the Letters Patent are directed against the common judgement and order dated 24.04.2018 passed by the learned Single Judge dismissing nine writ petitions filed by the petitioner (appellant herein) challenging the award passed by the Labour Court dated 30.03.2012.

Since the issues raised in these appeals are based on identical set of facts and common question of law is to be adjudicated, all the nine appeals have been heard together and are being disposed of by a common judgement.

2. Respondent No. 1 - workmen were engaged with the appellant - Municipal Council, Malerkotla on 01.07.1998,

01.07.1994 and 01.08.1998 respectively as Tubewell/Pump Operators when their services were terminated illegally on 21.04.2001, 13.12.2001, 12.12.2001 and 05.01.2002 respectively and an industrial dispute was raised for adjudication before the Labour Court. The appellant in defence denied the master and servant relationship and pleaded that respondent No. 1 - workmen were never appointed by it and as such they could not invoke the provisions of Industrial Disputes Act, 1947. It was also pleaded that as respondent No. 1 - workmen were appointed through a contractor, namely, Raj Kumar Kapila, the question of their employment under the appellant for the said period does not arise.

3. The Labour Court after considering the pleadings as also the evidence brought on record by the parties answered the reference in favour of respondent No. 1 - workmen holding that they are entitled to be reinstated with continuity of service with 50% back wages. The said award was challenged by the appellant by filing the writ petitions. Raj Kumar Kapila, the alleged contractor, during his cross-examination denied having issued any appointment letter to respondent No. 1 - workmen and, thus, claimed that they were not his employees. He also stated that he had got no license to engage labourers in the Water Supply Department. The learned Single Judge finding that the names of respondent No. 1 - workmen were recorded in the log book and the appellant failed to produce any documentary evidence like muster roll or any such other document to establish that they were never employed by it proceeded to dismiss the writ petitions and affirm the award.

4. In the facts of the case, where the appellant failed to discharge its onus to prove its defence set up before the Labour Court denying master and servant relationship and in

view of the evidence of Raj Kumar Kapila denying the fact that respondent No. 1 – workmen were never supplied by him to the appellant, we see no good ground to interfere either with the award or with the impugned judgement rendered by the learned Single Judge. Learned counsel for the appellant has failed to point out any infirmity in the judgement of the learned Single Judge which may require our interference.

5. The appeals are devoid of merits and, thus, accordingly stand dismissed.

6. Consequently, all the miscellaneous applications for leading additional evidence also stand dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

27.05.2019
Amogh

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