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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 23.01.2023

1. CWP-17541-2021 (O&M)

Rajender		...Petitioner
	Vs.	
Presiding Officer Industrial Tribunal-cum-Labour Court, Panipat and others		...Respondents

2. CWP-19111-2021

Vinod		...Petitioner
	Vs.	
Presiding Officer Industrial Tribunal-cum-Labour Court, Panipat and others		...Respondents

3. CWP-19211-2021

Ajit		...Petitioner
	Vs.	
Presiding Officer Industrial Tribunal-cum-Labour Court, Panipat and others		...Respondents

4. CWP-19399-2021

Subhash		...Petitioner
	Vs.	
Presiding Officer Industrial Tribunal-cum-Labour Court, Panipat and others		...Respondents

5. CWP-19406-2021

Rahul		...Petitioner
	Vs.	
Presiding Officer Industrial Tribunal-cum-Labour Court, Panipat and others		...Respondents

6. CWP-19408-2021

Rakesh		...Petitioner
	Vs.	
Presiding Officer Industrial Tribunal-cum-Labour Court, Panipat and others		...Respondents

7. CWP-13554-2022

Jagdish

...Petitioner

Vs.

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

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aakash Juneja, Advocate
for the petitioner(s).

MANOJ BAJAJ, J.

Petitioners (workmen) have filed the above separate writ petitions under Article 226 Constitution of India seeking a writ in the nature of Certiorari for quashing the respective impugned award(s) dated 27.08.2019 passed by Industrial Tribunal-cum-Labour Court, Panipat, whereby their claim for reinstatement with full back wages and continuity of service, was rejected. Further, prayer is for issuance of a writ of mandamus directing the respondent No.1 to reinstate the petitioner(s) in service with continuity and full back wages.

The above award(s) have been passed on reference numbers: 74/2015, 46/2015, 59/2015, 41/2015, 73/2015, 58/2015 and 45/2015, which were instituted on the same date i.e.13.07.2015, but decided vide separate award(s) dated 27.08.2019 and the facts pleaded by the workmen in their claim statement against the alleged termination are also common, therefore, all these writ petitions are being decided by common order.

Learned counsel has argued that the petitioners served respondent No.2 as Ward boy/lift operator/bearer/sweeper etc. from August 2011 till the

termination of their services in September, 2014 and while terminating their services, no formal order in writing was passed by respondent No.2. According to the learned counsel, as the workmen were getting less wages than the minimum wages, who were also not being issued wages slip, provident fund and deduction slip etc, therefore, when they made a demand in this regard, the management retaliated and terminated their services illegally. Learned counsel has further argued that as the workmen had worked continuously with the management, therefore, their termination is violative of Section 25-F Industrial Disputes Act, 1947 and the labour Court while deciding the reference has committed a serious error of law in dismissing their claim for reinstatement in service with back wages. He prays that the impugned award(s) be set aside and a writ of mandamus be issued directing the respondents to reinstate the petitioners.

After hearing learned counsel, considering the averments and material on record, this Court finds that the petitioners had worked for a short period of three years when allegedly their services were terminated by respondent No.2, but the workmen/petitioners have failed to produce any evidence on record establishing their employment by respondent No.2. A perusal of the impugned award shows that the workmen suffered material admissions during cross-examination and admitted that the workmen were not having any appointment letter. Besides, it is also conceded by the workmen that they are not aware that from which of the respondents they were receiving their salary in the Bank, as respondent No.3 to 5 were also impleaded as party in the case, who were having contract with respondent No.2/management for providing labour. Further, even as per the pleadings, the services of the

petitioners were provided by the Contractor and this makes it clear that the Management never exercised its control upon the services of the workmen, as their services were controlled by the outsourcing contractor.

During the course of hearing, learned counsel for the petitioners is unable to produce any material to show that there ever existed any relationship of employer and employee between the management and the workmen, therefore, this Court has no hesitation in holding that the impugned decision delivered by the Labour Court does not warrant any interference by this Court, as the findings returned by the Labour Court on material issues are based upon proper appreciation of evidence on record.

Resultantly, no case is made out for exercise of extra ordinary writ jurisdiction.

All writ petitions are dismissed.

(MANOJ BAJAJ)
JUDGE

23.01.2023
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No