



118 (2)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1) CWP-23600-2024
Date of Decision:17.09.2024

SHREE JEE MANPOWER CONTRACTORS PVT LTD
..... Petitioner

Versus

PRESIDING OFFICER INDUSTRIAL TRIBUNAL CUM LABOUR
COURT AND ORS Respondents

2) CWP-23609-2024

SHREE JEE MANPOWER CONTRACTORS PVT LTD
....Petitioner

Versus

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL CUM
LABOUR COURT AND ORSRespondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Munish Behl, Advocate
for the petitioner(s).

Mr. Raman Sharma, Addl. AG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order, CWP-23600-2024 and CWP-23609-2024 are disposed of as issues involved and prayer sought in both the petitions are common. For the sake of convenience and with the consent of parties, the facts are borrowed from CWP-23600-2024.

2. The petitioner through instant petition under Articles



226/227 of the Constitution of India is seeking setting aside of award dated 31.01.2024 (Annexure P-10) whereby petitioner has been held liable to pay compensation in terms of Industrial Disputes Act, 1947.

3. The petitioner is engaged in the business of supplying manpower to different Organizations. He was allotted a tender of supplying manpower issued by respondents No.2 and 3. He engaged workers who were already working with respondents No.2 and 3 as well as engaged few more workers. It was petitioner who complied with all the Labour Laws including [Employees State Insurance Act, 1948](#) and Employees' Provident Funds and Miscellaneous Provisions Act, 1952. The petitioner received lump sum amount from principal employer and further paid to workers. The principal employer terminated the workman who filed an application before Labour Court seeking reinstatement and back wages. The Labour Court has ordered to petitioner to pay a sum of ₹75,000/- as lump sum compensation to workman.

4. Mr. Munish Behl, Advocate for the petitioner submits that workman was terminated by principal employer, thus, Labour Court has wrongly fastened liability of compensation upon petitioner who was always at a receiving end.

5. From the perusal of record, it is evident that petitioner is a manpower supplier and it supplied workmen to respondents No.2 and 3. The respondent No.4 was not found suitable by respondents No.2 and 3 and they decided not to retain him. It was choice of the petitioner to adjust the said workman at any other place or settle the issue. The workman was employee of the petitioner which is evident from the fact that petitioner was paying salary to said employee and he was liable to make contribution towards provident fund, ESI etc. The petitioner cannot



dispute his liability under Industrial Disputes Act, 1947 though, he can take appropriate remedy against respondents No.2 and 3 *qua* liability created by Labour Court.

6. In the backdrop, the instant petitions being bereft of merit deserve to be dismissed and accordingly dismissed. The petitioner is at liberty to avail remedies as permissible by law *qua* his liability created by Labour Court.

(JAGMOHAN BANSAL)
JUDGE

17.09.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>