



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(231)

CWP No. 1690 of 2020 (O&M)

Date of Decision : 13.05.2025

Divisional Forest Officer

...Petitioner

Versus

Smt. Bobby and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Saurabh Girdhar, Assistant Advocate General, Haryana.

Mr. Gurmandeep Singh Sullar, Advocate with
Mr. Devaki Anand Sullar, Advocate and
Mr. Harish Kumar, Advocate for respondent No. 1.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the Award dated 05.02.2019 (Annexure P-5) passed by the Labour Court by which the employee working has been reinstated in service with continuity and 50% back wages.

2. Learned counsel for the petitioner submits that the respondent No. 1-workman was appointed through Village Forest Committee, hence there was no master and servant relationship between the respondent No. 1-workman and the department of the petitioner, which fact has been ignored by the Labour Court while holding that the respondent No. 1-workman was entitled for reinstatement with continuity in service and 50% back wages.

3. Learned counsel for respondent No. 1-workman submits that the Officers of the department who deposed before the Labour Court, did not



produce any record that the respondent No. 1-workman was working through Village Forest Committee which is clear from the statement Annexure P-3 as well as the findings which have been recorded by the Labour Court in paragraph 19 of the Award dated 05.02.2019 (Annexure P-5) hence, the finding has been recorded that the respondent No. 1-workman was working for a period of more than two decades with the petitioner's-department but her services were terminated in an arbitrary manner in violation of the provisions of the Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act').

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. The petitioner-department has not been able to prove that respondent No. 1-workman was working through the outsourcing agency. Though, the averment was made but the same was not proved. None of the Officers of the department who were examined, could prove that the respondent No. 1-workman was working through the Contractor or the outsourcing agency.

6. In the absence of any such material evidence brought on record coupled with the fact that it is a conceded position that the respondent No. 1-workman has worked for two decades with the petitioner-department and had completed 240 days prior to the termination of her services, the findings which have been recorded by the Labour Court that there is a master and servant relationship and while terminating the services of the respondent No. 1-workman under Section 25-F of 1947 Act has been violated, cannot be treated to be perverse.



7. Further, the Award dated 05.02.2019 (Annexure P-5) passed by the Labour Court can only be interfered with in case, the same is proved to be perverse qua the facts or the evidence brought on record. As the petitioner is department has failed to prove the aforementioned Award to be perverse, no ground is made out for any interference by this Court in the present petition.

8. Dismissed.

9. Pending miscellaneous application, if any, also stands disposed of.

May 13, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No