



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

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**LPA-1763-2025 (O&M)
Decided on: 27.10.2025**

RAJESH KUMAR

.....Appellant

Versus

PUNJAB STATE POWER CORPORATION LTD. AND OTHERS

.....Respondents

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Dr. P.S. Rau Girwar, Advocate for the appellant.

Mr. Divanshu Jain, Advocate for respondents-PSPCL.

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DEEPAK MANCHANDA, J.

CM-4317-LPA-2025

This is an application seeking condonation of delay of 68 days
in re-filing the appeal.

Issue notice to the respondents.

Mr. Divanshu Jain, Advocate accepts notice on behalf of the
respondents-PSPCL and submits that he has no objection if the delay is
condoned.

Heard. For the reasons stated in the application, same is allowed
and delay of 68 days in re-filing the appeal is condoned.

**CM-7279-LPA-2025**

This application has been filed for impleadment of the Alex Engineering through its proprietor as respondent No.5.

Issue notice in the application

Issue notice in the application to the non-applicants/respondents.

Mr. Divanshu Jain, Advocate accepts notice on behalf of the respondents-PSPCL.

Heard.

For the reasons stated in the application, the same is allowed and the Alex Engineering through its proprietor is impleaded as respondent No.5. Amended Memo of Parties is taken on record.

Main case

1. The appellant has challenged the impugned judgment dated 16.01.2025 passed by the learned Single Judge whereby the writ petition filed by the appellant was dismissed.
2. Brief facts emerging from the present appeal are that the appellant was employed as a skilled worker at Rs. 1100/- per month for the maintenance of the Electrical Maintenance Cell No. 2, Guru Hargobind Plant, Lehra Mohabbat, District Bathinda, through the service provider M/s Pooja Construction Company. Though appointed as a skilled worker, the appellant being a graduate and proficient in English/Punjabi typing discharged duties of a Steno-typist, and EPF deductions were made from his salary. However, the respondent-Board continued to treat the appellant as a



skilled worker and paid him wages at DC rates. The appellant worked continuously as a skilled worker and his services were later shifted by the respondents through M/s Chopra Engineering Works. The appellant sought information under the RTI Act and learned that similarly situated workers engaged through contractors in the C&I Circle, GHTP, Lehra Mohabbat were granted work-charge status by the respondents-Corporation.

3. Being aggrieved, the appellant submitted a representation dated 10.03.2018, asserting that he had rendered 19 years of service, admittedly through a contractor, and therefore sought regularization and grant of the Steno-typist pay scale. Thereafter, he filed CWP-4920-2019 seeking regularization of his services. The said writ petition was dismissed by the learned Single Judge vide judgment dated 16.01.2025 on the ground that there existed no master-servant/employer-employee relationship. Aggrieved, the present intra-court appeal has been preferred.

4. Learned counsel for the appellant contends that the learned Single Judge failed to appreciate that the appellant had been working under the direct supervision and control of the respondent-Corporation for more than 20 years as a Steno-typist, thereby establishing a master-servant relationship. It is argued that the learned Single Judge erred in rejecting this factual position and wrongly dismissed the writ petition.

5. Heard.

6. A perusal of the impugned judgment shows that the learned Single Judge noted that the appellant's services were hired through a service-providing contractor and not directly by the respondent-Corporation.



Accordingly, no master-servant relationship existed between the parties. The relevant findings are reproduced below:

7. In the present case also, as has earlier been noticed, services of the petitioner were hired through the service providing contractor and not directly by the respondents. As such, there is no relationship of master & servant / employer & employee between the parties. Petitioner is being paid the salary by the manpower contractor himself. As such, petitioner is not entitled for any writ against the respondents.

*8. Further, the outsourcing agency/the contractor, through whom services of the petitioner were hired, has not even been impleaded as a party to this petition and in view of the legal position explained by this Court in **Nishan Singh's case (supra)**, the present petition will not be maintainable against respondents, who do not have any relationship of master and servant with the petitioner. Same view has been taken by this Court in CWP No.9996 of 2021, titled as "**Mukesh Kumari and others v. State of Haryana and others**", decided on 20.03.2021; CWP No.22534 of 2020, titled as "**Sarabjit Kaur v. State of Punjab and others**", decided on 25.01.2021.*

*9. As far as "**Om Prakash Banerjee v. The State of West Bengal & Ors.**", Law Finder Doc ID # 22666665; "**Amarkant Rai v. State of Bihar and Ors.**", 2015(2) S.C.T. 441 and "**Raman Kumar and Ors. v. Union of India & Ors.**", 2023 LiveLaw (SC) 520, relied by learned counsel for the petitioner are concerned, these are not applicable to the facts of the present case, as the issue relating of the regularization of service of such persons, who were hired through contractor/outsourcing agency, was not considered in those cases.*

10 Consequent to the aforesaid discussion, this Court does not find any merit in the present petitioner. As such, the same is hereby dismissed."

7. This Court has already dealt with an identical issue in **LPA-1507-2025 (Nishan Singh vs. State of Haryana & Others)** decided on **10.09.2025**, and the said appeal was also dismissed on the same principle of law. The relevant extract is reproduced below:-



*“15. We cannot overlook the fact that the appellant continued working under the contract system for over ten years before his services were terminated in 2015 and he had never raised any dispute during this period, but instead accepted the continuation of his employment under the contract system. After considering this issue, we believe that the appellant-workman, by not raising such a plea even after ten years, became a fence-sitter, and such a belated claim can only be regarded as stale. The Learned Single Judge, while deciding the bunch of writ petitions, relied upon the well-settled law in SLP(C) 19848 of 2023, titled “**The Joint Secretary, CBSE Vs. Raj Kumar Mishra and ors.**”, decided on 17.03.2025, and dismissed the writ petitions. The relevant extract is reproduced below:*

“6. Having considered the facts and circumstances of the case(s) and submissions of learned counsel for the parties, we find substance in the contentions of learned counsel for the appellants. The issue whether the private respondents were employees of the appellants, is the crux of the matter. Whatever material has been placed and even the best point which was argued by the learned Senior Counsel for the private respondents before this Court was that since there was supervisory and jurisdictional control over the private respondents by the appellants, ipso facto, they would become employees of the appellants is noted only to be rejected.

7. This is not only a very simplistic approach, but also a totally erroneous approach in law. For a person to claim employment under any organization, a direct master-servant relationship has to be established on paper. In the present case(s), admittedly, the only document, which the private respondents have in their favour, is showing that they were posted at various places doing different nature of work.

8. This clearly in the considered opinion of the Court would not establish master-servant relationship.

9. Had it been the case where there were other materials also in favour of the private respondents in both cases showing that they may have a case for being considered as an employee of the appellants, we may



not have interfered with the orders impugned and would have left it to the Labour Court to once again to go into the matter(s) on merits. However, when the best defence of the private respondents in both cases, as discussed supra, has been found to be totally of no consequence to the private respondents in both cases, we find that the remand would be an exercise in futility.

10. Accordingly, the appeals stand allowed. The order(s) impugned are set aside to the extent the matters have been remanded to the Labour Court. As the awards have already been quashed, no separate order needs to be passed in this regard.”

*16. Furthermore, this Court has also addressed a similar issue in LPA-1510-2025, titled “**Raj Kumar Vs. The Superintendent of Police, Rohtak and another,**” decided on 08.08.2025. While considering the same arguments raised therein, the letters patent appeal filed by the workers was dismissed on the ground that the appellant engaged by the Contractor/outsourcing agency cannot be regarded as an employee of the respondent department, as there is no master-servant relationship between them. The relevant paragraph of the judgment is included below:*

“8. A simple review of the impugned judgment and the award dated 06.03.2017 issued by the Labour Court indicates that there is no employer-employee relationship between the appellants and the respondent-department. In the absence of such a relationship, the appellant cannot claim any right against the respondents. The appellant has also argued that in fact, they are effectively employees of the respondent-Department, and that the service providers are merely a cover to deny statutory benefits especially since the appellant meets all other required conditions of their employment except for being directly appointed on a contract basis by the respondents. The appellant has tried to suggest that the initial appointment was with the principal employer, but later, it was arranged through a contractor, aiming to obscure the appellant's status as a contractual employee of the department, whereas it is a well-established legal principle that an individual engaged by a contractor or outsourcing agency cannot be



considered as an employee of the respondent-State.

9. Considering the above discussion, since there is no master-servant relationship between the appellants and respondents, we believe that the learned Single Judge rightly set aside the award passed by the Labour Court and allowed the respondents' writ petition, as stated in the impugned judgment. The decision does not contain any perversity or error."

8. Learned counsel for the appellant is unable to dispute the aforementioned judgment in **Nishan Singh's case**, which squarely covers the facts of this present appeal. No other point has been raised that warrants interference.

9. Considering the above discussion, we find that the learned Single Judge has rightly dismissed the writ petition. The impugned judgment suffers from no perversity or error.

10. Consequently, the present Letters Patent Appeal stands dismissed in the same terms.

11. All pending miscellaneous applications also stand disposed of.

(DEEPAK MANCHANDA)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

27.10.2025

sapna

Whether Speaking/Reasoned :
Whether Reportable :

Yes/No
Yes/No