

2025:PHHC:060506-DB



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

Date of decision: 07.05.2025

1. LPA-571-2025 (O&M)

BALWAN

.....Appellant

Versus

THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, ROHTAK & ORS.

.....Respondents

2. LPA-663-2025 (O&M)

HARISH SIKKA

.....Appellant

Versus

THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, ROHTAK & ORS.

.....Respondents

3. LPA-664-2025 (O&M)

JAI KUMAR

.....Appellant

Versus

THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, ROHTAK & ORS.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Sandeep Kumar, Advocate for appellant.

Mr. Aditya Gautam, Advocate for respondent No.2.

SUDHIR SINGH, J.

This order shall dispose of the above noted three appeals arising out of a common order dated 17.01.2025, whereby a batch of 23 writ petitions filed by the workmen were dismissed. However, for facility of reference, the facts are taken from LPA-571-2025.

2. Before the learned Single Judge, the appellant had laid challenge to the award dated 20.09.2016 (Annexure P-6 with the writ petition), whereby the reference was partly answered in favour of the appellant by holding him an employee of the contractor.

3. As per the facts on record, it was the case of the appellant that he had worked as a Bearer in PGIMS, Rohtak, from 04.07.2010 to 10.10.2013 under respondent No.2, whereas in the paper transactions he was wrongly shown to have worked under respondent No.3- Contractor. Thus, the award passed by the Labour Court was sought to be quashed to the extent of holding him the employee of respondent No.3. However, the learned Single Judge, after having noticed the rival contentions of the parties, dismissed the writ petition, as noticed above.

4. Learned counsel appearing for the appellant has vehemently argued that the appellant had completed 240 days in the preceding 12 months of the termination of the services and, thus, he could not have been retrenched without complying with the mandatory provisions of the Industrial Disputes Act, 1947. It is further

argued that the reply filed by respondent No.2 before the Labour Court would show that the appellant was being paid wages directly by the said respondent which was so indicated in the order dated 23.11.2013, passed by the Lok Adalat, Rohtak. It is further argued that while passing the impugned order the learned Single Judge did not take into consideration the said vital aspect of the matter and rather wrongly observed that there was no relationship of master and servant between the appellant and respondent No.2-Management.

5. On the other hand, learned counsel for respondent No.2-Management while defending the order passed by the learned Single Judge and that of the Labour Court, submits that as a matter of fact the appellant was an outsourced employee through respondent No.3. It is further submitted that no evidence has been led by the appellant before the Labour Court that he was appointed by respondent No.2-Management. Still further, it is argued that in his testimony before the Labour Court, the appellant had admitted that he was being paid salary by respondent No.3. It is, thus, contended that the impugned order does not require any interference by this Court.

6. We have heard learned counsel for the parties and have also gone through the paper book and the impugned order passed by the learned Single Judge.

7. The only question that arises consideration by this Court is whether the impugned order passed by the learned Single Judge, requires any interference.

8. The emphasis of the learned counsel for the appellant is that the appellant had worked under respondent No.2-Management.

However, neither before the Labour Court nor before the learned Single Judge, could the appellant file any document or lead any evidence, substantiating his claim. Rather it was found that he had conceded in his testimony before the Labour Court that he had been receiving salary from respondent No.3. Still further, it was also noticed that no order terminating the services of the appellant was ever passed by the respondent-Management. The learned Single Judge has also found that no evidence was led by the appellant before the Labour Court that respondent No.3 was not a licensed contractor thereby, legally allowed to supply the manpower to the respondent No.2-Management and, thus, the judgment in Civil Appeal No.11335 of 1995 titled **Secretary Haryana State Electricity Board Vs. Suresh**, relied upon by the learned counsel for the appellant, was held to be not applicable to the case of the appellant.

9. We find that once it was established on record that the services of the appellant were provided to respondent No.2-Management through respondent No.3-contractor and further once the appellant had failed to lead any evidence either in respect of his appointment directly by respondent No.2-Management or termination of his services by the said Management, the learned Single Judge was perfectly justified in maintaining the award passed by the Labour Court. We further find that in the absence of any evidence led by the appellant as regards respondent No.3 being a licensed contractor or not, the submission of the learned counsel for the appellant that respondent No.3 was not legally empowered to supply the manpower

to respondent No.2-Management, has rightly been negated by the learned Single Judge.

10. In view of the above, we find no error apparent or any illegality or perversity in the order passed by the learned Single Judge. Consequently, all the three appeals are hereby dismissed.

11. Pending application(s), if any, shall also stand disposed of.

[SUDHIR SINGH]
JUDGE

[ALOK JAIN]
JUDGE

07.05.2025
himanshu

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