

**CM-5262-CWP-2025 in/and
CWP-19106-2020 and
other connected cases**

2025:PHHC:049917



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 110+258+259)**

- (1)

CM-5262-CWP-2025 in/and
CWP-19106-2020
Date of Decision : 08.04.2025

The Indian Red Cross Society

...Petitioner

Versus

Sunil Kumar and others

...Respondents
- (2)

CWP-19108-2020 (O&M)

The Indian Red Cross Society

...Petitioner

Versus

Ashok Kumar and others

...Respondents
- (3)

CWP-19113-2020 (O&M)

The Indian Red Cross Society

...Petitioner

Versus

Puran Chand and others

...Respondents
- (4)

CWP-19122-2020 (O&M)

The Indian Red Cross Society

...Petitioner

Versus

Shesh Ram and others

...Respondents
- (5)

CWP-19127-2020 (O&M)

The Indian Red Cross Society

...Petitioner

Versus

**CM-5262-CWP-2025 in/and
CWP-19106-2020 and
other connected cases**

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2

Rajinder Pal Singh and others

...Respondents

(6)

CWP-19130-2020 (O&M)

The Indian Red Cross Society

...Petitioner

Versus

Mukanda Bag and others

...Respondents

(7)

CWP-19135-2020 (O&M)

The Indian Red Cross Society

...Petitioner

Versus

Sudama and others

...Respondents

(8)

CWP-19146-2020 (O&M)

The Indian Red Cross Society

...Petitioner

Versus

Dhyan Singh and others

...Respondents

(9)

CWP-19149-2020 (O&M)

The Indian Red Cross Society

...Petitioner

Versus

Vijay Kumar and others

...Respondents

(10)

CWP-19156-2020 (O&M)

The Indian Red Cross Society

...Petitioner

**CM-5262-CWP-2025 in/and
CWP-19106-2020 and
other connected cases**

2025:PHHC:049917



3

Versus

Khula Ram and others

...Respondents

(11)

CWP-18597-2020 (O&M)

The Indian Red Cross Society

...Petitioner

Versus

Harish Kumar and others

...Respondents

(12)

CWP-18598-2020 (O&M)

The Indian Red Cross Society

...Petitioner

Versus

Surat Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sumeet Jain, Advocate for the petitioner
in all cases.

Mr. R.K. Arora, Advocate for respondent No. 1 in
all cases.

Harsimran Singh Sethi J. (Oral)

CM-5262-CWP-2025 in CWP-19106-2020

Present application has been filed for placing on record written
statement filed on behalf of respondent No. 1.

Application is allowed and written statement filed on behalf of
respondent No. 1 is taken on record with all just exceptions.



CWP-19106-2020, CWP-19108-2020, CWP-19113-2020, CWP-19122-2020, CWP-19127-2020, CWP-19130-2020, CWP-19135-2020, CWP-19146-2020, CWP-19149-2020, CWP-19156-2020, CWP-18597-2020 and CWP-18597-2020

1. In the present bunch of 12 petitions, the details of which are mentioned in the heading, the challenge is to the Award dated 18.10.2019 passed by the Labour Court by which, lump-sum compensation of ₹50,000/- has been awarded in favour of the respondent-Workmen on the ground that the services of the such respondent-Workmen were terminated illegally. The liability to pay the compensation has been imposed upon the petitioner i.e. Indian Red Cross Society. While challenging the aforementioned impugned Award, the petitioner-Indian Red Cross Society has contended that the Labour Court has missed various important material evidence, which has come on record that the premises which was allotted by the PGIMS to the Indian Red Cross Society for purpose of Canteen was already outsource by the Indian Red Cross Society to a private Contractor and the private Contractor was running the said Canteen on certain terms and conditions and according to the said terms and conditions, the respondent-employees were engaged by the said Contractor and the liability to pay the respondent-employees was also his and no such liability could have been imposed upon the petitioner- Indian Red Cross Society in case of termination of services of such Workmen.

2. Learned counsel for the petitioner-Society submits that all the agreements between the petitioner and the Contractor concerned which were brought on record, have been ignored by the Labour Court so as to record the



finding that the respondent-Workmen were the employees of the petitioner-Indian Red Cross Society and not of the Contractor. Learned counsel for the petitioner-Society argues that the finding of the Labour Court that the respondents-Workmen are the employees of the petitioner-Indian Red Cross Society is on the ground that the EPF was deposited by the petitioner-Indian Red Cross Society and hence, once it has come on record that the EPF has been deposited by the petitioner-Indian Red Cross Society and the same has to be deposited by the employer, the net result is that the petitioner-Indian Red Cross Society has been held the employer of the respondents-Workmen so as to grant the benefit of ₹50,000/- as lump sum compensation by the Labour Court vide order dated 18.10.2019.

3. Learned counsel for the petitioner-Indian Red Cross Society submits that at no given point of time, the petitioner-Indian Red Cross Society deposited the EPF and the same was deposited by the Contractor and only the place of work was given as a Canteen of the petitioner-Indian Red Cross Society, which has been misinterpreted by the Labour Court.

4. Upon notice of motion, the respondent-Workmen have appeared. The respondent-Workmen submits that even if the Canteen was outsource but as the Canteen was being run by the petitioner-Indian Red Cross Society, the respondent-Workmen became the employees of the petitioner-Indian Red Cross Society and not that of a Contractor.

5. On being asked by this Court to point out any appointment order issued to them by the petitioner-Indian Red Cross Society, learned counsel for the respondent No. 1 has not been able to point out the same.



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

7. Firstly, the master and servant relationship has to be adjudged on the basis of the specific pleadings and the specific order granting appointment by the employer to the respondent-Workmen. In the present case, no such document has been placed by the respondent-Workmen before the Labour Court to show that they were appointed by the petitioner-Indian Red Cross Society at any given point of time.

8. Further, as per the settled principle of law settled by the Hon'ble Supreme Court of India in Special Leave Petition (Civil) No. 19648 of 2023 titled as *The Joint Secretary, Central Board of Secondary Education and another Vs. Raj Kumar Mishra and others*, decided on 17.03.2025, once, as per the pleadings, the employment was outsource, then the definite finding has to be recorded qua master and servant relationship on the basis of the written evidence. The respondent-Workmen have failed to substantiate their claim that they were ever appointed by the petitioner-Indian Red Cross Society at any given point of time as no said appointment orders have been brought on record. Hence, recording the finding that the respondent-Workmen are employees of the petitioner-Indian Red Cross Society is perverse as the same is not based upon any material evidence brought on record.

9. Even otherwise, the finding that the respondent-Workmen are the employees of the petitioner-Indian Red Cross Society has been recorded only on the basis that the EPF was deposited by the petitioner-Indian Red



Cross Society, the same has also been clarified by the petitioner-Society, wherein, it has been mentioned that the EPF has been deposited by the Contractor and not by the petitioner-Society by placing reliance upon Annexure P-5.

10. In Annexure P-5 the only place of work which has been mentioned as a Canteen of the petitioner-Indian Red Cross Society, which has been misinterpreted by the Labour Court to hold that the Employees Provident Fund and other dues were being deposited by the petitioner Indian Red Cross Society. Learned counsel for the respondent-Workmen has not been able to dispute the same as well. Hence, in the totality of the facts and evidence brought on record, the respondent-Workmen cannot be treated as the employees of the petitioner-Society in the absence of any appointment order issued by the petitioner-Society to the respondent-Workmen. The Labour Court has totally ignored the agreement between the Contractor and the petitioner-Society with regard to the running of the Canteen as well as employing of the respondent-Workmen and the duty to pay such employees was upon the Contractor hence, the impugned Award dated 18.10.2019 is set-aside.

11. Though, the respondent-Workmen are not held the employees of the petitioner-Society but, the respondent-Workmen had worked under the Contractor and the liability of the Contractor to pay the respondent-Workmen under the facts and circumstances needs to be adjudicated by the Labour Court. The Award dated 18.10.2019 recording a finding that the respondent-workmen are employees of the petitioner-Society is set-aside.



The case is remanded back for fresh adjudication as to whether, the respondent-Workmen have any entitlement qua the Contractor keeping in view the facts and circumstances of this case.

12. The Contractor has already become a party to the present petitions, hence, the Contractor and respondent-Workmen are directed to appear before the Labour Court on 06.05.2025. The Labour Court is directed to decide the lis between the parties within a period of six months of the first date of hearing.

13. The present bunch of 12 petitions are disposed of in above terms.

14. Pending miscellaneous application including place on record additional document, if any, also stands disposed of.

15. A photocopy of this order be placed on the file of connected cases.

April 08, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No