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

Date of Decision : 21-05-2025

1.

CWP-12999-2025

GURDEEP SINGH**.....Petitioner****VERSUS**

**PRESIDING OFFICER , INDUSTRIAL TRIBUNAL, BATHINDA
AND ORS.**

.....Respondent(s)

2.

CWP-13554-2025

JASWINDER SINGH**.....Petitioner****VERSUS**

**PRESIDING OFFICER INDUSTRIAL TRIBUNAL BATHINDA AND
ORS.**

.....Respondent(s)**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. P.K.S Phoolka, Advocate for the petitioners.

HARSIMRAN SINGH SETHI, J. (Oral)

1. Present are the set of two writ petitions, the details of which are mentioned in the heading involve common question of law in the context of common set of facts and thus they are being decided by a common order.

2. In the present set of petitions, the challenge is to the award passed by the Labour Court dated 16.04.2024 (Annexure P-1) where, the claim of the petitioners that the petitioners were the employees of the respondent-State in the Department of Health and Family Welfare, has not been accepted.

3. Learned counsel for the petitioners submits that the said finding that there exists no master and servant relationship between the petitioner

and the respondent-State has been recorded without correctly appreciating the facts, which had come on record.

4. I have heard learned counsel for the petitioners and has gone through the records of the present case with his able assistance.

5. It is conceded fact that the petitioners were appointed through an outsourcing agency i.e. respondent No.8 M/s Sanchi Management Services Pvt. Ltd., Chandigarh. It is also a conceded position that the salary and all the other benefits were being extended to the petitioners by the said outsourcing agency.

6. Learned counsel appearing on behalf of the petitioners only contends that once, there was a supervisory control of the respondent-State over the petitioner and the petitioners were working under the direct supervision of the respondent-State, this would amount to existence of master and servant relationship between the petitioner and the respondent-State.

7. Qua the said argument, it may be noticed that as per the settled principle of law settled by the Hon'ble Supreme Court of India in Civil Appeal No. No.4014 of 2025 titled ***"The Joint Secretary, CBSE and ors. Vs. Raj Kumar Mishra and ors."***, decided on 17.03.2025, wherein , it has been held that unless the master and servant relationship is proved through documentary evidence, merely on the ground that there was a direct supervisory control of the principal employer over the employee, cannot be taken as a ground to hold that their exists master and servant relationship between the said principal employer and employee. The relevant paragraph 6 and 7 of the said judgement is as under:-

“XXX....

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 organisation, 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.....XXX”*

8. Keeping in view the above settled principle of law, learned counsel for the petitioners have not been able to convince this Court that the recording of the finding by the Labour Court that no master and servant relationship exists between the petitioners and the respondent-State is perverse to the facts and evidence which have come on record hence, the assertion of the petitioners stands defeated.

9. It is a conceded position that no order of appointment was ever issued by the respondent-State in favour of the petitioners or, they were being paid by the respondent-State directly, which could underpin the assertion of petitioner-State keeping in view the settled principles of law.

CWP-12999-2025 and other connected case

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10. Keeping in view the totality of the circumstances, as no perversity has been pointed out in the impugned order dated 16.04.2024 (Annexure P-1), no ground is made out for any interference by this Court in the facts and circumstances of the present set of cases.

11. Present petitions stand dismissed in limine.

12. Pending application, if any, also stands disposed of.

13. Photocopy of this order be placed on the file of other connected case.

21-05-2025

Sapna Goyal

(HARSIMRAN SINGH SETHI)

JUDGE

NOTE:

Whether speaking: YES

Whether reportable: NO