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

CWP-12803-2025 (O&M)**Date of Decision : 06-05-2025****DHARAM SINGH****.....Petitioner****VERSUS****PRESIDING OFFICER INDUSTRIAL TRIBUNAL CUM LABOUR
COURT PANIPAT AND ANOTHER****.....Respondent(s)****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Karan Bhardwaj, Advocate for the petitioner.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the award dated 22.10.2021 passed by the Labour Court, copy of which has been appended as Annexure P-5 by which, the claim of the petitioner that there existed master and servant relationship between the petitioner and the Divisional Forest Officer, Karnal and that the petitioner had completed 240 days in service in a calendar year prior to termination and therefore, the termination being in violation of provisions of the Industrial Disputes Act, 1947 petitioner was entitled for retrenchment compensation at the time of the termination of his services, which compensation was not paid to the petitioner hence, the findings of the Labour Court in its impugned order should have been recorded in favour of the petitioner rather than dismissing the said claim.

2. Learned counsel for the petitioner further submits that the findings recorded by the Labour Court that there existed no master and servant relationship is contrary to the letter, copy of which has been appended as Annexure P-2, which was brought before the Labour Court to show that there exists a master and servant relationship between the petitioner and respondent No.2.

3. I have heard learned counsel for the petitioner and have gone through the records of the present case with his able assistance.

4. As per the settled principle of law, the master and servant relationship is to be proved on the basis of the documentary evidence. The appointment order in favour of petitioner by respondent No.2-DFO or the payment of salary to petitioner by respondent No.2-DFO has not been brought on record by the petitioner. In the absence of any such documentary evidence brought on record, it cannot be said that there existed a master and servant relationship between the petitioner and the respondent-Department especially when a finding has been recorded in Paragraph-10 of the impugned award dated 22.10.2021 (Annexure P-5) that the claimant/petitioner himself conceded that he was working with respondent No.2-DFO through the Contractor.

5. That being so, once the petitioner himself has conceded before the Labour Court that he was working with respondent No.2-DFO through the Contractor, hence, claiming that there existed a master and servant relationship which claim has not been accepted by the Labour Court, is contrary to the facts and evidence, which have come on record.

6. The argument of the learned counsel for the petitioner is that the letter dated 06.07.2018 (Annexure P-2) has not been dealt with by the Labour Court while considering the claim of the petitioner.

7. It may be noticed that it has already come on record in the impugned award dated 22.10.2021 (Annexure P-5) that the said letter dated 06.07.2018 (Annexure P-2) is not bearing any date or signatures and the same has not been accepted by the respondent-Department to be a letter written by the respondent-Department. Once, said finding has been recorded, the letter annexed herein as Annexure P-2 being relied upon by the petitioner to underpin his claim has also been dealt with by the Labour and a finding has been recorded that the said letter (Annexure P-2), cannot be treated as genuine one to be in favour of the petitioner as the same does not bear any date or the signature of the officer concerned.

8. Keeping in view the totality of the circumstances as learned counsel for the petitioner has not been able to prove any perversity in the award dated 22.10.2021 (Annexure P-5) qua the evidence or the facts, which were brought on record, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

9. Present petition is dismissed.

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

06-05-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO