



CWP-16795-2021 (O&M) & -1-
CWP-16836-2021 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225+226

CWP-16795-2021 (O&M)
Date of Decision :04.04.2025

Hukam Singh

...Petitioner

Versus

Municipal Corporation, Karnal and others

...Respondents

CWP-16836-2021 (O&M)

Dilbag Singh

...Petitioner

Versus

Municipal Corporation, Karnal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajesh Bansal, Advocate for the petitioner(s).
in both the writ petitions.

Mr. Padamkant Dwivedi, Advocate for respondent No.1
in both the writ petitions.

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Harsimran Singh Sethi, J. (Oral)

1. In the present set of two petitions, the details of which are mentioned in the heading, the challenge is to the award dated 02.04.2021 (Annexure P/1) passed by the Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat by which, the claim regarding reinstatement with continuity of service and full back wages of the petitioner(s)-workmen has



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been declined on the ground that there was no master and servant relationship between the petitioner(s)-workmen and respondent No.1-Municipal Corporation and the petitioner(s)-workmen were the employees of the respondent No.2-Contractor.

2. Learned counsel for the petitioner(s)-workmen argues that even though the respondent No.2-contractor was also the party to the petition rather than dismissing the claim regarding the reinstatement with continuity of service along with full back wages of the petitioner(s)-workmen outrightly, the said claim of the petitioner(s)-workmen qua the respondent No.2-contractor under the Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act') should have also been considered and appropriate relief should have been given by the authorities concerned in case, the provisions of 1947 Act were violated in any manner.

3. Learned counsel for the petitioner(s)-workmen submits that without considering the aforementioned aspect the impugned order dated 02.04.2021 (Annexure P/1) has been passed which is causing prejudice to the petitioner(s)-workmen. Even if, the claim of the petitioner(s)-workmen has not been accepted qua having employer -employee relationship with the Municipal Corporation, Karnal, it should have been considered qua the respondent No.2-Contractor.

4. Learned counsel for the respondent No.1-Corporation submits that the argument raised by the learned counsel for petitioner(s)-workmen is against the contractor and not against the Municipal Corporation and hence, this Court may take view as permissible under the law.

5. I have heard learned counsel for the parties and have gone



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through the record with their able assistance.

6. The respondent No.2-Contractor was exparte even before the Labour Court and no one appeared on his behalf before this Court as well.

7. From the pleadings as well as award dated 02.04.2021 (Annexure P/1), it becomes clear that the petitioner(s)-workmen have been held to be the employees of private contractor-respondent No.2. Once, the said finding was given, it was the responsibility of the Labour Court to find out whether the provisions of 1947 Act were violated even qua the claim of petitioner(s)-workmen qua respondent No.2-Contractor or not. In case, the same were violated, the appropriate relief should have been given to the petitioner(s)-workmen qua the respondent No.2-Contractor but a bare perusal of the impugned award dated 02.04.2021 (Annexure P/1) would show that the said aspect has not even been considered by the Labour Court which is incorrect and cannot be sustained in the eyes of law. Consequently, though the impugned award dated 02.04.2021 (Annexure P/1) qua respondent No.1-Corporation is upheld but the case is remanded back to the Labour Court to adjudicate the claim of the petitioner(s)-workmen for the grant of relief qua respondent No.2-Contractor if any, permissible under the provisions of 1947 Act.

8. The petitioner(s)-workmen are directed to appear before the Industrial Tribunal-cum-Labour Court, Panipat on 13.05.2025.

9. As the petitioner(s)-workmen are litigating since long, it will be appreciated in case, the claim regarding reinstatement with continuity of service along with back wages of the petitioner(s)-workmen will be finally decided by the Labour Court in accordance with law within a period of 06



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months from the first date of appearance before the Labour Court.

10. Present petitions stand disposed of in above terms.
11. A photocopy of this order be placed on the file of connected case.

April 04, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No