



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(129)

CWP No. 15815-2025

Date of Decision : 28.05.2025

Ram Krishan @ Krishan Kumar

...Petitioner

Versus

The Presiding Officer, Industrial Tribunal, Bathinda and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Narinder Sharma, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the Award dated 27.03.2025 (Annexure P-6) by which, the claim of the petitioner that he was the workman with respondent No. 3-Gungun Enterprises has not been accepted and the claim raised has been dismissed.

2. Learned counsel for the petitioner submits that though, concededly there was no appointment order issued and there is no evidence with regard to payment of salary but, actually the petitioner worked with the respondent No. 3, which fact has not been appreciated by the Tribunal while passing the impugned Award hence, the impugned Award is liable to be set-aside.

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



4. 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, concrete documentary evidence has to be produced to prove the master and servant relationship. The relevant paragraphs of the said judgment are as under :-

“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 organization, 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.

8. This clearly in the considered opinion of the Court would not establish master-servant relationship.”

5. Learned counsel for the petitioner concededly submits before this Court at the time of hearing that there is no appointment order or the



evidence with regard to the payment of salary by the Institution which is being claimed to be the employer of the petitioner except one identity card. It may be noticed that the identity card is no evidence to prove the master and servant relationship.

6. Keeping in view the fact that there is no perversity in the impugned Award, no ground is made out for any interference by this Court in the impugned Award.

7. Dismissed.

May 28, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No