

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

**Date of Decision : 22-05-2025**

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. L.S Sekhon, Advocate  
for the petitioner(s).

Mr. Kiran Verma, Advocate  
For Ms. Geeta Sharma, Advocate  
for respondent Nos.1 to 3.

Mr. Abhivadya Sood, Advocate  
For respondent No.4.

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**HARSIMRAN SINGH SETHI, J. (Oral)**

1. Present are the bunch of three 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 bunch of petitions, the prayer of the petitioners is for setting aside the award dated 11.12.2018, copy of which has been appended as Annexure P-4 by which, the relief claimed by the petitioners that there exists master a master and servant relationship between the petitioners and the respondent-Punjab Mandi Board has not been accepted, rather a finding has been recorded that the petitioners were the employees of the respondent No.4 i.e. Contractor by the Labour Court.

3. Learned counsel for the petitioners argues that once, the petitioners were working under the direct supervision and control of the Punjab Mandi Board, the master and servant relationship between both has to be appreciated keeping in mind the work discharged by the employee hence, for all intents and purposes even though, the petitioners were appointed in service through the respondent No.4 i.e. Contractor, the petitioners are to be treated as the employees of the respondent-Punjab Mandi Board.

4. Learned counsel appearing on behalf of the respondents submits that once, the petitioners were appointed in service through the respondent No.4-Contractor and was being paid through the Contractor, merely that supervision and control over the petitioner(s)-Workmen was of the respondent-Punjab Mandi Board, the same will not serve as the condition

requisite of proving that there exists master and servant relationship between both hence, the impugned award cannot be upheld.

5. I have heard the learned counsel for the parties and have gone through the records of the present case with their able assistance.

6. 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, the master and servant relationship is to be established on the basis of the documentary evidence. Concededly, no appointment order was issued to the petitioners by the respondent-Punjab Mandi Board and no payment qua the work discharged by petitioner(s)-Workmen was being made by the respondent-Punjab Mandi Board to the petitioners directly.

7. The main contention of the learned counsel for the petitioners is that the respondent-Punjab Mandi Board was having supervisory control over the petitioners hence, the existence of master and servant relationship has to be appreciated on the basis of the said facts.

8. The said aspect has been considered by the Hon'ble Supreme Court of India in ***Raj Kumar Mishra's case (supra)*** wherein it has been held that mere supervisory control over an employee is not enough to hold that there exists a master and servant relationship between the employer and employee, the said relationship cannot exist unless and until there is an appointment order issued in favour of employee by the employer. The relevant paragraph Nos.6 and 7 of the judgment are 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”*

9. Even otherwise, even before the Tribunal, the Contractors were made a party. Once, the Contractors were made a party and it is a conceded position that the petitioners were appointed through the Contractor and were being paid by the Contractor hence, the findings recorded by the Labour Court are not perverse to the facts and evidences brought on record.

10. No interference is called for by this Court in the facts and circumstances of the present case.

11. Present bunch of petitions stand dismissed.
12. Pending application, if any, also stands disposed of.
13. Photocopy of this order be placed on the files of other connected cases.

**22-05-2025**

Sapna Goyal

**(HARSIMRAN SINGH SETHI)**

**JUDGE**

NOTE: Whether speaking: YES  
Whether reportable: NO