



114+115+125

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision : 27-05-2025

114

CWP-15388-2025

BASANT KUMAR

.....Petitioner

VERSUS

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL CUM
LABOUR COURT PATIALA AND ORS

.....Respondent(s)

115

CWP-15394-2025

PARWINDER SINGH

.....Petitioner

VERSUS

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL CUM
LABOUR COURT PATIALA AND ORS

.....Respondent(s)

125

CWP-15521-2025

VANEET KUMAR

.....Petitioner

VERSUS

THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL CUM
LABOUR COURT PATIALA AND ORS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Simranjeet Singh Sarwara, Advocate
for the petitioner(s).

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. For the sake of convenience and better understanding facts are drawn from CWP No.15388 of 2025.

2. In the present bunch of petitions, the challenge is to the award dated 16.10.2023 (Annexure P-5) by which, the claim of the petitioners that they were employees of the respondent-Organisation, has been rejected.

3. Learned counsel for the petitioners argues that as per the standing orders, which are being passed by the respondent-Organisation, a trainee or a learner is also classified as Workman hence, the petitioners should have been treated for the grant of benefit claimed under the Industrial Disputes Act, 1947 (hereinafter referred as “1947 Act”), which has not been granted.

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

5. It is a conceded fact that the petitioners were appointed as a trainee with the respondent-Institute with some specific conditions, which have been stipulated in Annexure P-1. As per the said order, the petitioners were engaged to be trained for a period of one year starting from 04.04.2016.

6. Learned counsel for the petitioners submits that the petitioners did not have the right to claim any absorption in the respondent-Organisation on completion of training period. The said training tenure of the petitioners was extended and ultimately the said engagement came to an end and as the petitioners were required to pass a test, which was conducted by the respondent-Organisation in order to absorb the trainee but as the petitioner failed in said test, the petitioners were relieved from the training.

7. Once, there was no master and servant relationship between the petitioners and the respondent-Organisation, the petitioners were only training, the petitioners cannot be treated as an employee of the respondent-Organisation.

8. Further, the reliance is being placed upon the standing orders to claim that the respondent-Organization is sought to be impleaded on the grounds that it is responsible for the engagement and oversight of the trainee or a learner.

9. It may be noticed that the said classification has been further clarified in Clause 3.7, which clearly says that the trainer or the learner is only to learn the job and the said training may be extended upto 3 years and trainee has no right to be employed as a permanent employee.

10. Once, even the standing orders does not give a right to a trainee to be absorbed to the job and unless a trainee is admitted in the job, there exists no master and servant relationship between them hence, the award passed by the Tribunal dated 16.10.2023 (Annexure P-5) cannot be treated as arbitrary or illegal or perverse to the facts or the evidence brought on record.

11. Further, it may be noticed that after the training period was over, the respondent-Organisation conducted a test of the trainees so as to absorb the trainees in the respondent-Organisation but the petitioners failed in the said exam. Once, the petitioners failed to clear the said exam, which failure has never been under challenge, claiming to continue in the appointment by treating the petitioners as the employees of the respondent-Organisation, cannot be accepted.

12. At this stage, learned counsel for the petitioners argues that with regard to the test which was conducted for absorption, the same was done on the same day without giving any time for preparation hence, the absorption done on the basis of the said test, is arbitrary and illegal.

13. On being asked whether the examination which was conducted to absorb the trainees within the respondent-Department was ever challenged by the petitioners, learned counsel for the petitioners conceded that the same was never challenged at any given point of time.

14. Once, even before the Labour Court, no challenge was raised with regard to the test conducted for absorption while challenging the award, the said issue cannot be agitated.

15. Further, in the absence of any challenge to the letter for conducting the test, any rejection on the basis of the same cannot be entertained.

16. No further argument is raised.

17. Keeping in view the facts mentioned hereinbefore, the impugned award passed by the Labour Court cannot be treated perverse either to the facts of evidence on record hence, the said award needs no interference at the hands of this Court.

18. Present bunch of petitions stands dismissed.

19. Pending applications, if any, also stand disposed of.

20. Photocopy of this order be placed on the files of other connected cases.

27-05-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO