

**CWP-23018-2015****1**

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

(269-2)**CWP-23018-2015****Date of Decision : July 31, 2025****Ravinder Singh and others****.. Petitioners**

Versus

**Presiding Officer, Industrial Tribunal-cum- Labour Court, Panipat and
others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Arshad Ali, Advocate, for
Ms. Amrita Nagpal, Advocate, (joined through VC)
for the petitioners.

Mr. Amit Jhanji, Sr. Advocate, with
Mr. Shashank Shekhar Sharma, Advocate,
for respondent No.2.

Mr. Sumeet Mahajan, Senior Advocate, with
Mr. Rohit Khanna, Advocate,
Ms. Simran Sharma, Advocate
Mr. Saurabh Gautam, Advocate
Mr. Siddharth Kohli, Advocate
Mr. Saksham Mahajan, Advocate and
Mr. Shrey Sachdeva, Advocate, for the respondent No.3.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the impugned Award dated 27.02.2013 (Annexure P-1) passed by the Labour Court whereby, the claim qua the petitioners had been dismissed.

2. It may be noticed that 29 workmen were claiming the relief of compensation before the Tribunal but only 12 have been granted the same whereas the rest have been denied the benefit of retrenchment compensation on the ground that they have failed to prove that there existed master and servant relationship between them and respondent No.2 i.e. M/s Dhilion



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Cool Drinks and Breweries Ltd.

3. Learned counsel for the petitioners submits that they were the employees of the M/s Dhilion Cool Drinks and Breweries Ltd but still they have not been given the benefit of compensation which has been given to other similarly situated employees only on the ground that they had not produced any appointment order issued in their favour by M/s Dhilion Cool Drinks and Breweries Ltd prior to the date when the said entity was taken over by the new entity on 31.12.2002.

4. Learned counsel for the petitioner furthers submits that the said decision taken by the Labour Court in the order impugned is incorrect.

5. Learned senior counsel appearing on behalf of respondent No.2- M/s Dhilion Cool Drinks and Breweries Ltd submits that keeping in view the evidence brought on record by the workmen, anyone who had proved that they were the workmen working under the employment of respondent No.2, the relief of compensation has been granted and in the absence of any master and servant relationship proved, the said relief has been denied which is just and appropriate and therefore, the claim being raised that each workman who had approached the Labour Court for grant of relief, should have been granted the benefit of compensation, is incorrect and the writ petition may kindly be dismissed.

6, The assertion of the learned counsel for the petitioners(workmen) that all of the petitioners (workmen) were entitled for benefit of compensation as has been granted to certain employees who had proved the existence of master and servant relationship with the M/s Dhilion Cool Drinks and Breweries Ltd, is to be assessed keeping in view the settled principle of law.



7. The Hon'ble Supreme Court of India in ***Civil Appeal No.4014 of 2025 tiled as The Joint Secretary, Central Board of Secondary Education and others vs. Raj Kumar Mishra and others, deciding on 17.03.2025*** has held that the existence of master and servant relationship has to be proved on the basis of the documentary evidence such as the appointment order, the payment of salary etc. The relevant paragraph of the said judgment is 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. In the present case, learned counsel for the petitioners concedes that no appointment order was issued in favour of the workmen by the respondent No.2-Corporation but asserts that they were indeed working with the respondent No.2-Corporation.

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9. No evidence has been shown to this Court as to through which documentary evidence on record 'working' with the M/s Dhilion Cool Drinks and Breweries Ltd can be proved by the petitioners.

10. Learned counsel for the petitioners has not been able to show any such document showing the appointment of petitioners with respondent No.2 or the payment of salary to them by respondent No.2.

11. In the absence of any such relevant documents, keeping in view the judgment of the Hon'ble Supreme Court of India in ***Raj Kumar Mishra's case (supra)***, the benefit compensation cannot be granted to petitioners as they failed to prove master and servant relationship with respondent No.2 and the decision taken by the Tribunal in this regard is perfectly valid and legal.

12. No ground is made out for any interference with the Award dated 27.02.2013 (Annexure P-1) passed by the Labour Court declining the relief to the petitioners.

13. Accordingly, the writ petition is dismissed.

July 31, 2025*harsha***(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No