

**CWP No. 27839 of 2017 (O&M) and
other connected matters**

2025:PHHC:073540



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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 208)**

**(1) CWP No. 27839 of 2017 (O&M)
Date of Decision : 28.05.2025**

Subash

...Petitioner

Versus

**Executive Officer, Municipal Council-II, Palika Bazar, Panipat and
another**

...Respondents

(2) CWP No. 27787 of 2017 (O&M)

Suresh

...Petitioner

Versus

**Executive Officer, Municipal Council-II, Palika Bazar, Panipat and
another**

...Respondents

(3) CWP No. 27796 of 2017 (O&M)

Vijay

...Petitioner

Versus

**Executive Officer, Municipal Council-II, Palika Bazar, Panipat and
another**

...Respondents

(4) CWP No. 7497 of 2019 (O&M)

Bani Singh through his Lrs.

...Petitioners

Versus

**Executive Officer, Municipal Council-II, Palika Bazar, Panipat and
another**

...Respondents



CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. H.P.S. Ghuman, Advocate for the petitioner(s).
in all cases.

Mr. Pravindra Singh Chauhan, Senior Advocate with
Mr. Navneet Singh, Advocate for respondent No. 1
in all cases.

Harsimran Singh Sethi J. (Oral)

1. In the present bunch of 04 petitions, the details of which have been given in the heading, the challenge is to the impugned Award dated 12.03.2014 (Annexure P-6) passed by the Labour Court by which the claim of the petitioner(s)-workmen that they are the employees of the respondents and that their services have been wrongly terminated, has been rejected.

2. Learned counsel for the petitioner(s) submits that all the record summoned were not produced by the respondents and, therefore, the adverse inference against the respondents should have been drawn by the Court whereas, the benefit claimed by the petitioner(s)-workmen has been rejected on the ground that the record which has been produced, does not show that the petitioner(s) were the employee of the respondents so as to claim that there existed master and servant relationship between them hence, the Award passed by the Labour Court may kindly be set-aside.

3. I have heard learned counsel for the petitioner(s) and have gone through the record with his able assistance.

4. Once, the petitioner(s) were claiming that they were appointed in the year 1988 and worked upto 03.01.2006 and the records starting from



the year 1990 onward were produced before the Labour Court but no presence of the petitioner(s) working with the respondents was established upon which ground, the finding has been recorded by the Labour Court that master and servant relationship has not been proved. Merely that the earlier record from the year 1988 to 1990 has not been brought, will not benefit the petitioner(s) in any way to support their claim. The petitioner(s) are claiming that they have worked continuously from the year 1988 to 2006, which fact has not been proved.

5. Further, as per the finding of the Labour Court, no evidence has been brought on record to prove that in the 12 months prior to the retrenchment the petitioner(s) had worked for 240 days, which aspect is very relevant to claim the benefits under the Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act'), which finding has not been rebutted by the learned counsel for the petitioner(s) on the basis of evidence on record.

6. Keeping in view the totality of the circumstances, learned counsel for the petitioner(s) has not been able to prove that the Award impugned passed by the Labour Court is perverse to the findings recorded.

7. Learned counsel for the petitioner(s) argues that the records, if not produced from the year 1996 onward, there should be an adverse inference that the petitioner(s) had worked for 240 days in a calendar year prior to their termination.

8. In case, the earlier submission of the petitioner(s) that they are working from 1988 onward has not been proved and has been found to be



incorrect, the adverse inference being claimed has rightly not been granted by the Labour Court in favour of the petitioner(s).

9. No ground is made out for any interference by this Court in the present petitions.

10. Dismissed.

11. Pending miscellaneous application, if any, also stands disposed of.

12. A photocopy of this order be placed on the file of connected cases.

May 28, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No