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

Date of decision : 27.10.2025

1. LPA-2379-2025 (O&M)

Sarabjeet

...Appellant

Vs.

Presiding Officer and others

...Respondents

2. LPA-2397-2025 (O&M)

Ashok Kumar

...Appellant

Vs.

Presiding Officer and others

...Respondents

3. LPA-2398-2025 (O&M)

Yograj Singh

...Appellant

Vs.

Presiding Officer and others

...Respondents

4. LPA-2448-2025 (O&M)

Joginder Kumar

...Appellant

Vs.

Presiding Officer and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. G.S.Goria, Advocate and
Mr. Vikram Singh, Advocate
for the appellant(s).

Mr. Deepak Bhardwaj, Addl.A.G.Haryana.

DEEPAK MANCHANDA, J.

By this common order, the aforementioned four Letters Patent Appeals, i.e., LPA-2379-2025, LPA-2397-2025, LPA-2398-2025 and LPA-2448-2025, are being disposed of together. All four intra-court appeals involve



similar questions of law; therefore, the facts of LPA No. 2379-2025 are being considered for adjudication of all these appeals.

2. Through this intra-court appeal, the appellant has challenged the impugned judgment dated 24.04.2025 passed by the learned Single Judge, whereby the writ petition(s) preferred by the appellants were dismissed, and the award dated 11.03.2014 passed by the Labour Court was upheld against the appellant.

3. The brief facts emerging from the pleadings are that the appellant was appointed on 10.08.2004 as Beldar-cum-Mali in the Public Health Division, Fatehabad. On 01.10.2006, his services were terminated without any notice, reason, or retrenchment compensation. Dissatisfied by the same, the appellant sent a demand notice dated 07.11.2011 under Section 2-A of the Industrial Disputes Act, 1947, alleging illegal termination. Vide award dated 11.03.2014, the Labour Court rejected the appellant's claim, holding that there was no employer-employee relationship. The said award was challenged through CWP No. 7143-2022, which was dismissed vide impugned judgment dated 24.04.2025 on the ground that the appellant had failed to establish a master-servant relationship between himself and the respondent-department, even before the Labour Court. Aggrieved by the impugned judgment, the appellant has filed the present intra-court appeal.

4. Learned counsel for the appellant submits that the learned Single Judge erred in ignoring the material evidence and wrongly affirmed the award passed by the Labour Court. It is contended that the termination was without notice or compensation and in violation of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947. Learned counsel further submits that the



appellant had worked continuously for 2 years and 1 month, satisfying the 240 days requirement under Section 25-B of the Act. He argues that the appellant worked under the direct supervision of the department, hence constructive employment existed, therefore termination was arbitrary and discriminatory.

5. Learned State counsel, on the other hand, submits that the appellant was never directly employed by the department but was engaged through a licensed contractor. Since no employer-employee relationship existed, the Labour Court rightly rejected the claim in its award dated 11.03.2014. He further submitted that the Labour Court recorded a finding of fact that there was no direct employment, and such finding cannot be interfered with in writ jurisdiction. It is also submitted that all contractors had valid licences and payments were made by them directly to the appellants and the judgment passed by the learned Single Judge is well-reasoned and does not warrant any interference, as both the Labour Court and the Single Judge have recorded concurrent findings of fact.

6. We have heard learned counsel for the parties and perused the record.

7. A perusal of the pleadings shows that the learned Single Judge dismissed the writ petition vide judgment dated 24.04.2025 on the ground that the appellant failed to establish the master-servant relationship between himself and the department. The relevant findings recorded by the learned Single Judge are reproduced below:

“8. All these aspects have been considered by the Supreme Court of India in the recent judgment wherein, Hon’ble Supreme Court while passing order in Civil Appeal No.4014 of 2025, decided on 17.03.2025, titled as The Joint Secretary, Central Board of Secondary Education and others vs. Raj Kumar Mishra and



others, has held that the master and servant relationship requires direct evidence on paper so as to hold that there existed a master and servant relationship between the parties. The Hon'ble Supreme Court of India further rejected the contention that mere supervisory or jurisdictional control over the workman does establish master and servant relationship. Paragraph No.6 of the 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.”

9. In the present case, the findings which have been recorded by the Labour Court in its orders impugned are clear that the petitioners-workmen were the worker of the contractors who were posted with the respondent-department. Once there was no appointment order issued by the respondent-department in favour of the petitioners and nothing has come on record to show that the petitioners were being paid salary by the respondent-department, along with the view of the judgment of the Hon'ble Supreme Court of India in Raj Kumar Mishra's case (supra), it cannot be held that the petitioners are the employees of the respondent-department in any manner.

10. The learned counsel appearing on behalf of the petitioners-workmen submits that the petitioners could not have been replaced by another set of employees and reliance has been placed upon the judgment of the Division Bench in CWP-4384-1987, decided on 08.04.1987. The grievance being raised is that the contractor should have the valid licence to engage the workers. It may be noticed that the contractors have not been impleaded as a party and nothing has been brought on record to show that such contractors were not having the required licences to supply workforce. In the absence of any such record or the evidence brought on record before the Labour Court, no finding can be given that the contractors through whom the petitioners were working, were not eligible to get the contract.

11. The further reliance is being placed upon the judgment of the coordinate Bench in CWP-17441-2013, decided on 03.08.2016,



titled as Shiv Kumar and another vs. State of Haryana and others, to say that the contractual employee cannot be replaced by another set of contractual employee. The said judgment is not applicable in the present case as, the contractual employees in said case were working under a contract with the department and not through the outsourcing agency. Hence, the said judgment in the case of Shiv Kumar and another is not applicable in the facts and circumstance of the present case.

12. Learned counsel for the petitioners further argued that no record was produced by the respondent-department to show that the petitioners were being paid through the contractors. It may be noticed that the petitioners had approached the Court raising their grievance that they are the employees of the respondent-department and they have to stand on their own legs to prove that there is a master and servant relationship between the petitioners and the department which they have concededly not proved before the Labour Court keeping in view the findings recorded.

13. Keeping in view of the above, no ground is made out for any interference by this Court as the awards impugned have not been found to be perverse either to the fact or evidence brought on record. Dismissed.”

8. This Court has already dealt this issue in LPA No.1510-2025, decided on 08.08.2025, titled as “**Raj Kumar Vs. The Superintendent of Police, Rohtak and another**” and the relevant paragraphs are reproduced here below:-

“8. A simple review of the impugned judgment and the award dated 06.03.2017 issued by the Labour Court indicates that there is no employer-employee relationship between the appellants and the respondent-department. In the absence of such a relationship, the appellant cannot claim any right against the respondents. The appellant has also argued that in fact, they are effectively employees of the respondent-Department, and that the service providers are merely a cover to deny statutory benefits especially since the appellant meets all other required conditions of their employment except for being directly appointed on a contract basis by the respondents. The appellant has tried to suggest that the initial appointment was with the principal employer, but later, it was arranged through a contractor, aiming to obscure the appellant's status as a contractual employee of the department, whereas it is a well-established legal principle that an individual engaged by a contractor



or outsourcing agency cannot be considered as an employee of the respondent-State.

9. *Considering the above discussion, since there is no master-servant relationship between the appellants and respondents, we believe that the learned Single Judge rightly set aside the award passed by the Labour Court and allowed the respondents' writ petition, as stated in the impugned judgment. The decision does not contain any perversity or error."*

9. In view of the foregoing discussion, we find no infirmity or perversity in the judgment of the learned Single Judge. No substantial argument or legal precedent has been cited by the appellant to controvert the aforementioned legal issues.

10. Consequently, all the above-mentioned Letters Patent Appeals stand dismissed. All pending miscellaneous applications also stand disposed of.

(DEEPAK MANCHANDA)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

27.10.2025
vanita

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No