



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 230)**

(1)

CWP No. 8891 of 2016 (O&M)

Date of Decision : 17.07.2025

Dharam Pal

...Petitioner

Versus

Presiding Officer, Labour Court, UT, Chandigarh and others

...Respondents

(2)

CWP No. 11200 of 2016 (O&M)

Lalit Kumar

...Petitioner

Versus

Presiding Officer, Labour Court, UT, Chandigarh and others

...Respondents

(3)

CWP No. 11221 of 2016 (O&M)

Amar Kumar

...Petitioner

Versus

Presiding Officer, Labour Court, UT, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shailendra Sharma, Advocate
(Joined through Video Conferencing) with
Mr. Rajesh Kumar Bhagal, Advocate for the petitioner(s).

Mr. Deepak Malhotra, Addl. Standing Counsel with
Mr. Amandeep Singh, Standing Counsel
for respondents No. 2 and 3 in CWP-8891-2016.

**Harsimran Singh Sethi J. (Oral)**

1. In the present bunch of petitions, the challenge is to the Award dated 19.08.2013 of the Labour Court by which the claim of reinstatement in service has been denied to the petitioner(s) on the ground that there is no master and servant relationship between the Chandigarh Administration and the petitioner(s) as the petitioner(s) were employed through the Contractor.

2. Learned counsel appearing on behalf of the petitioner(s) argues that during the proceedings before the Labour Court, it has already come on record that the petitioner(s) were working in Government Medical College and Hospital, Sector-32, Chandigarh and were working under the direct supervision and control of the Hospital-authorities, hence, for all intents and purposes, the petitioner(s) were the employees of the Government Medical College and Hospital, Sector-32, Chandigarh and not of the private contractor.

3. Learned counsel for the petitioner(s) submits that though, there was no appointment order issued in favour of the petitioner(s) and no record of the payment made to them has been produced but once, it is a conceded fact that the petitioner(s) were working in Government Medical College and Hospital, Sector-32, Chandigarh, under the direct control and supervision of the Hospital-authorities concerned, nothing more was required to be proved to show the existence of the master and servant relationship between the petitioner(s) and the Government Medical College and Hospital, Sector-32, Chandigarh hence, the finding recorded by the Tribunal in the impugned order dated 19.08.2013 is contrary to the facts and evidence that has come on



record and principle of law and, therefore, the said impugned Award may kindly be set-aside and the petitioner(s) be treated as the employees of the Government Medical College and Hospital, Sector-32, Chandigarh for all intents and purposes.

4. Learned counsel for the respondents submits that the job being performed by the petitioner(s) was outsourced through respondent No. 5, who was also impleaded by the petitioner(s) themselves as a party which makes it clear that the petitioner(s) were working through the Contractor i.e. respondent No. 5. Learned counsel for the respondents further submits that no payment was being made to the petitioner(s) by the principal employer i.e. respondent No. 4 as the contract was entered into between the respondent No. 4-College and respondent No. 5 i.e. the Contractor and the said contract was brought on record as Ex. WX which clearly shows that the salary amount was being paid to the respondent No. 5-Contractor by Hospital-authorities who was further paying the salary to his employees i.e. the petitioner(s) and, therefore, claiming that the Tribunal has erred in recording the finding that there is no master and service relationship between the petitioner(s) and the Government Medical College and Hospital, Sector-32, Chandigarh is incorrect, is liable to be rejected.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. As per the settled principle of law, the master and servant relationship is to be proved on the basis of the documentary evidence such as the appointment order, salary slip, etc. Learned counsel for the petitioner(s) has conceded that no such document has been brought on record which could



underpin the relationship of master and servant between the petitioner(s) and respondent.

7. Further, the only ground raised to claim the master and servant relationship is that the petitioner(s) were working in Government Medical College and Hospital, Sector-32, Chandigarh under the direct control and supervision of the authorities managing Sector-32 Hospital, Chandigarh hence, for all intents and purposes the petitioner(s) are to be treated the employees of the Government Medical College and Hospital, Sector-32, Chandigarh.

8. The law qua the aspect of relationship between servant and master has been settled by the Hon'ble Supreme Court of India in Special Leave Petition (Civil) No. 19648 of 2023 titled as ***The Joint Secretary, Central Board of Secondary Education and another Vs. Raj Kumar Mishra and others***, decided on 17.03.2025, wherein, Hon'ble Supreme Court of India has held that where there is no appointment order issued in favour of workman by one with whom relationship of master and servant is sought to be established and the factum of the payment by the employer with whom the master and servant relationship is being claimed, has not been brought on record, such a claim of master and servant relationship needs to be declined. It has further been held by the Hon'ble Supreme Court of India that merely that a person is working with an authority under its supervision and control will not give a right to the person to claim the master and servant relationship. The relevant paragraphs 6 and 7 of the said judgment are 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.”

9. Learned counsel for the petitioner(s) has not been able to rebut the said principle of law laid by Hon’ble Supreme Court of India. Further, the petitioner(s) themselves have impleaded M/s Sandeep Electrical Works as a party to whom the contract of employment was given. Once the petitioner(s) themselves have impleaded the Contractor as a party, it cannot be said that the petitioner(s) are the employees of the Government Medical College and Hospital, Sector-32, Chandigarh.

10. Keeping in view the totality of the circumstances, where the petitioner(s) have failed to prove that the Award passed by the Labour Court which has been impugned in the present petitions is perverse either on facts,



evidence brought on record or law, no ground is made out for any interference by this Court.

11. Dismissed.

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

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

July 17, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No