

2025:PHHC:083741-DB



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

LPA-1932-2025 (O&M)

Date of decision: 08.07.2025

RAJ BALA

...Appellant

Versus

STATE OF HARYANA & ORS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Vikram Singh Brar, Advocate for the appellant.

SUDHIR SINGH, J.

CM-4773-LPA-2025

For the reasons given in the application, same is allowed.

Delay of 34 days in filing the appeal is condoned.

LPA-1932-2025

Challenge in the present intra Court appeal is to the order dated 01.05.2025 passed by the learned Single Judge, whereby the writ petition filed by the appellant was dismissed.

2. Before the learned Single Judge, the appellant had laid challenge to the award dated 30.04.2024 passed by the Industrial Tribunal cum Labour Court, Panipat (for short 'the Labour Court'), whereby while holding the appellant as an employee of respondent

No.3 Outsourcing Agency, she was held entitled to the grant of compensation of Rs.50,000/- to be paid by the said agency.

3. The appellant had claimed that she had been appointed as a Peon by respondent No.3- M/s Narwal Super Security and was deputed to serve in the office of respondent No.2-Market Committee, New Anaj Mandi Gohana, from her joining date i.e., 03.06.2018 to 30.10.2020. It was further alleged by her that she had been retrenched in violation of the mandatory provisions of the Industrial Disputes Act, 1947 (for short 'the Act'). The claim of the appellant had been resisted by the respondent-Management i.e, Market Committee, New Anaj Mandi, Gohana by asserting that there was no relationship of employer and employee between the parties, inasmuch she had been appointed by the service provider i.e., M/s Narwal Super Security and was deputed to work in the office of the respondent-Management. It was further asserted that once, there was no relationship of employer and employee between the parties, there was no question of violation of the mandatory provisions of the Act.

4. The Labour Court after having considered the contentions of the parties and the evidence on record, that as per her own admission, the appellant had been kept on job by respondent No.3- M/s Narwal Super Security and she was never paid any salary by the Market Committee, New Anaj Mandi, Gohana. It was under these circumstances that the Labour Court had held that the appellant was entitled to the compensation of Rs.50,000/-.

5. Learned counsel appearing for the appellant has vehemently argued that once, the Labour Court has held that the

services of the appellant had been illegally terminated by respondent No.3- M/s Narwal Super Security, the only consequential relief that was to follow was reinstatement in service. It is further argued that the contentions as regards respondent No.3 Outsourcing Contractor, not being authorized to supply the work force, had been raised before the learned Single Judge, but the same was discarded without any justified reasoning. It is also argued that the learned Single Judge, has held that holding the appellant as an employee of respondent No.1 or 3 did not make any difference and once such observations was made, the learned Single Judge ought to have granted the benefit of reinstatement of the appellant in service.

6. We have heard learned counsel for the appellant and have also gone through the case file, including the impugned order.

7. The only question that arises for consideration by this Court is whether the impugned order passed by the learned Single Judge, requires any interference.

8. So far as the issue regarding respondent No.3- Outsourcing Contractor, being not authorized to supply the work force is concerned, we find that the learned Single Judge, has rightly found that in the absence of any evidence led by the appellant in this regard, her contention could not be accepted. Still further, it was found that for payment of the compensation of Rs.50,000/-, treating the appellant to be an employee of respondent No.1 or 3 Outsourcing Contractor did not make any difference. Still further, it was also found by the learned Single Judge, that the appellant could not show that any

person junior to her, has been retained in service by respondent No.1-Department.

9. We find that once it had been categorically found by the Labour Court that the services of the appellant workwoman were availed through Outsourcing Agency/Contractor, the appellant cannot claim herself to be an employee of respondent No.1. As per the findings recorded by the learned Labour Court, which could not be disputed by the learned counsel for the appellant, the appellant in her testimony had admitted that she had been appointed by respondent No.3-M/s Narwal Super Security.

10. In view of the said fact, we find that the findings recorded by the learned Labour Court and upheld by the learned Single Judge, cannot be said to be suffering from any patent illegality or perversity.

11. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.

12. Pending application(s), if any, shall also stand disposed of.

[SUDHIR SINGH]
JUDGE

[ALOK JAIN]
JUDGE

08.07.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No