



**CWP-20357-2024 (O&M) -1-
& connected cases**

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

236 (07 cases)

**CWP-20357-2024 (O&M)
Date of Decision :27.05.2025**

**Superintending Engineer (T.S.), Haryana Vidyut
Prasaran Nigam Ltd. and another**

...Petitioners

Versus

Shamsher Singh and another

...Respondents

CWP-20993-2024

**Superintending Engineer (T.S.), Haryana Vidyut
Prasaran Nigam Ltd. and another**

...Petitioners

Versus

Ashok Kumar and another

...Respondents

CWP-21015-2024

**Superintending Engineer (T.S.), Haryana Vidyut
Prasaran Nigam Ltd. and another**

...Petitioners

Versus

Mukesh and another

...Respondents

CWP-21081-2024

**Superintending Engineer (T.S.), Haryana Vidyut
Prasaran Nigam Ltd. and another**

...Petitioners



**CWP-20357-2024 (O&M) -2-
& connected cases**

Versus

Satyawan and another

...Respondents

CWP-21130-2024

**Superintending Engineer (T.S.), Haryana Vidyut
Prasaran Nigam Ltd. and another**

...Petitioners

Versus

Pardeep Kumar and another

...Respondents

CWP-21142-2024

**Superintending Engineer (T.S.), Haryana Vidyut
Prasaran Nigam Ltd. and another**

...Petitioners

Versus

Anil Mor and another

...Respondents

CWP-20385-2024 (O&M)

**Superintending Engineer (T.S.), Haryana Vidyut
Prasaran Nigam Ltd. and another**

...Petitioners

Versus

Rajender Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Piyush Bansal, Advocate for the petitioner-Nigam
in all the petitions.



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& connected cases**

Mr. Shrey Goel, Advocate for the respondents-Workmen
in all the petitions.

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Harsimran Singh Sethi, J. (Oral)

1. In the present bunch of petitions, the challenge is to the award by which, the respondents-workmen have been treated to be the workmen of the petitioner-Nigam and have been granted the benefit of reinstatement in service with continuity and all consequential benefits but without back wages.

2. Learned counsel for the petitioner-Nigam argues that there existed no master and servant relationship between the petitioner-Nigam and respondents-workmen and without adverting to the same as to how, the respondents-workmen were claiming to be the employee of the petitioner-Nigam, the benefit of reinstatement with continuity and all consequential benefits has been granted by the Labour Court.

3. Learned counsel for the petitioner-Nigam further argues that in the testimony of one Sukhwinder Singh, it has already come on record that the respondents-workmen were working under the Ms. Ankit Coop. Labour Pvt. Construction Society Ltd. but the said statement has been disbelieved by the Labour Court on the ground that the agreement with the said contractor has not been placed on record.

4. Learned counsel for the petitioner-Nigam submits that the respondents-workmen were appointed for a particular period with clear intent that the services of the respondents-workmen will come to an end on



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expiry of the said period and hence, under any circumstances, this is the case which comes under Section 2 (oo) (bb) of the Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act') which fact has also not been appreciated by the Labour Court while passing the impugned award hence, the impugned awards are liable to be set aside.

5. Learned counsel for the respondent-workmen submits that once, no contract with the outsourcing agency has been brought on record by the petitioner-Nigam, the view taken by the Labour Court, which is plausible, may kindly be upheld. Learned counsel for the respondents-workmen further submits that once, the respondents-workmen were working with the petitioner-Nigam and the work of the post was still available, terminating their services only on the ground that the contract of the outsourcing agency had come to an end, is arbitrary and illegal.

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

7. Once, there was a clear assertion that the appointment of the respondents-workmen was for a particular period and the said period came to an end due to non-extension of the contract, the Labour Court was required to adjudicate as to whether this is the case, which will fall under Section 2 (oo) (bb) or under Section 25(F) of the 1947 Act so as to grant the benefit of retrenchment compensation. The said aspect has not been looked into by the Labour Court even while recording the findings.

8. Even otherwise, as per the settled principle of law settled by the Hon'ble Supreme Court of India in **SLP (Civil) No.19648-2023 titled as,**



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The Joint Secretary, Central Board of Secondary Education and another vs Raj Kumar Mishra and others decided on 17.03.2025, the factum of master and servant relationship has to be proved on the basis of the documents and mere oral assertion of the workman cannot be accepted.

Relevant paragraphs of the said judgments are as under:-

“6. Having considered the facts and circumstances of the case(s) and submissions of learned counsel for the parties, we find 3 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. This clearly in the considered opinion of the Court would not establish master-servant relationship.”

9. In the present case, no such document has been brought on record to show that the respondents-workmen were appointed by the petitioner-Nigam or were directly being paid by the petitioner-Nigam. The factum of existence of master and servant relationship has only been



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established on the ground that there was supervisory control of the petitioner-Nigam on the respondent-workmen. The said issue has also been decided by the Hon'ble Supreme Court in **Raj Kumar Mishra (supra)**.

10. Keeping in view totality of the facts and circumstances of the present case, as the Labour Court has failed to apply its mind on all the issues raised, the awards impugned in the present bunch of petitions are set aside. The cases are remanded back to the Labour Court for fresh adjudication to decide whether there existed master and servant relationship between the petitioner-Nigam and the respondents-workmen and whether the case falls under Section 2(oo)(bb) or Section 25(F) of the 1947 Act keeping in view evidence and facts which have already come on record.

11. Parties are directed to appear before the Labour Court, Hisar on 07.07.2025.

12. Present petitions are disposed of in above terms.

13. Civil miscellaneous application pending, if any, is also disposed of.

May 27 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No