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2025.PHHC.156034-DB



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

LPA-2809-2025 (O&M)

Date of decision: 12.11.2025

Jai Pal**...Appellant****Vs.**

**Presiding Officer, Industrial Tribunal-cum-Labour Court, Ambala and
another**

...Respondents

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

Present: Ms. Harmeet Kaur Bhatia, Advocate and
Ms. Jaishree Kaushik, Advocate for
Mr. Ajay Chaudhary, Advocate,
for the appellant.

DEEPAK MANCHANDA, J.

CM-7066-LPA-2025

This is an application seeking condonation of delay of 102 days in
filing the appeal.

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

Delay of 102 days in filing the appeal is condoned.

Main Appeal

By way of the present intra-court appeal, the appellant has
challenged the impugned judgment dated 30.04.2025 passed by the learned
Single Judge, whereby the writ petition filed by the appellant was dismissed
and the award dated 28.03.2018 passed by the Labour Court was upheld
against him.

2. The brief facts emerging from the pleadings are that the appellant

was appointed on 02.02.2000 as a Labourer-cum-Mali at Machhrehri in Saraswati Range, Kaithal, on a daily-wage basis. He allegedly worked under various Forest Guards without break. On 20.03.2017, his services were terminated without notice and without compliance with Section 25F of the Industrial Disputes Act, 1947 (for short, “the Act of 1947”). Aggrieved thereby, the appellant approached the Labour Court, and vide award dated 28.03.2018, his claim was rejected holding that no employer-employee relationship existed. The appellant challenged the said award through CWP No.7373-2019, which was dismissed by the impugned judgment dated 30.04.2025, wherein the findings of the Labour Court were affirmed. Now, this intra-court appeal has been filed against the said judgment.

3. Learned counsel for the appellant submits that the learned Single Judge failed to appreciate the material evidence and erroneously upheld the Labour Court’s award. It is argued that the termination was effected without notice or retrenchment compensation, in violation of Section 25F of the Act of 1947. It is further contended that the appellant had worked continuously from 02.02.2000 to 20.03.2017 under the direct supervision of the department, thereby fulfilling the requirement of 240 days as per Section 25B of the Act of 1947. Further, learned counsel also submits that a constructive employer-employee relationship existed and, therefore, the termination was arbitrary and discriminatory.

4. We have heard learned counsel for the appellant and perused the record.

5. A perusal of the material shows that the learned Single Judge dismissed the writ petition vide judgment dated 30.04.2025 on the ground that the appellant failed to establish the master-servant relationship between himself

and the department. The relevant findings of the learned Single Judge are reproduced hereunder:

“2. In the present bunch of petitions, the challenge is to the award passed by the Labour Court wherein, the claim of the petitioner(s) that their services were terminated in violation of the provisions of the Industrial Disputes Act, 1947, has been rejected.

3. Learned counsel for the respondents at the outset submits that similar writ petitions filed by the other similarly situated employees have already been dismissed by this Court on 04.04.2025 while passing order in CWP No.1046 of 2025 titled “Nishan Singh Vs. State of Haryana and ors.” and other connected cases.

4. Learned counsel for the petitioner(s) has not been able to rebut that the order passed by this Court in Nishan Singh’s case (supra) covers the claim of the petitioner(s).

5. Keeping in view the detailed reasons mentioned in Nishan Singh’s case (supra), the present bunch of petitions are also dismissed in terms of findings recorded in Nishan Singh’s case (supra).”

6. This Court has also dealt with an identical issue in **LPA-1510-2025, decided on 08.08.2025, titled as Raj Kumar Versus The Superintendent of Police, Rohtak and another**, wherein the appeal was dismissed. The relevant extract is reproduced hereunder:

“6. A perusal of the impugned judgment dated 30.04.2025 and award dated 06.03.2017 passed by the Labour Court shows that the findings recorded by the learned Single Judge are not perverse. The learned Single Judge after reviewing the material available on record observed that the appellant was appointed through an outsourcing agency in accordance with policy, and it was conceded that the appellant was appointed for a particular period, which was being extended. He was being paid a salary at the DC rate. The learned Single Judge further noted that the appellant-workman was appointed through an outsourcing agency, and an objection was raised by the respondent-State regarding the master and servant relationship, which should have been adjudicated by the Labour Court on the basis of the evidence available on record as no appointment order has been issued in favour of the appellant-workman by the respondent-State. Even more, the stand taken before the Labour Court by the respondent was also consistent in stating that the appellant was working under the outsourcing policy, for a specific period, although it was extended from time to time. The learned Single Judge also recorded that the appellant-workman failed to prove the existence of a master and servant relationship between him and the respondents, as there is nothing on record to show that the appellant was being paid directly by the respondent-

State. In the absence of any such evidence, the Labour Court's findings and the conclusion that the termination of services of appellants was an unfair labour practice are contrary to the facts and evidence on record.

*7. We have also reviewed the award dated 06.03.2017 passed by the Labour Court. After examination, we agree with the observations and findings made by the learned Single Judge in allowing the writ petition filed by the respondents. The learned Single Judge, while relying upon the Supreme Court judgment passed in **SLP (Civil) No. 19648-2023, "The Joint Secretary, Central Board of Secondary Education and another Vs. Raj Kumar Mishra and others"**, applied the principle that the existence of a master and servant relationship has to be proved on the basis of documents and there is no material on record showing such a relationship between the appellant and the respondent-State. The learned Single Judge, after considering Section 25-F and Section 2 (oo) (bb) of the 1947 Act, which states that when the appellant's services end due to non-extension of the contract it does not amount to retrenchment, held that the appellant is hence not entitled to retrenchment compensation.*

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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."

7. Learned counsel for the appellant relied upon the judgment of the Hon'ble Supreme Court in **Jaggo Versus Union of India and others, 2025 (1) SLR 1** and other judgments. This Court, however, in **LPA-1507-2025, titled as Nishan Singh Versus State of Haryana and others, decided on 10.09.2025**, has already considered similar arguments based on the same judgments. The relevant findings in Nishan Singh's case (supra) are reproduced hereunder:

"13. Learned counsel for the appellant has relied on the

judgment passed by the Hon'ble Supreme Court in SLP-(Civil)-5580-2024, titled "**Jaggo Vs. Union of India and others**," by arguing that the learned Single Judge ignored the settled principle of law and referred to para Nos. 13 and 27 of the said judgment, which are reproduced below:

"13. The claim by the respondents that these were not regular posts lacks merit, as the nature of work performed by the appellants was perennial and fundamental to the functioning of the offices. The recurring nature of these duties necessitates their classification as regular posts, irrespective of how their initial engagements were labelled. It is also noteworthy that subsequent outsourcing of these same tasks to private agencies after the appellants' termination demonstrates the inherent need for these services. This act of outsourcing, which effectively replaced one set of workers with another, further underscores that the work in question was neither temporary nor occasional."

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27. In light of these considerations, in our opinion, it is imperative for government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the organization to legal challenges and undermines employee morale. By ensuring fair employment practices, government institutions can reduce the burden of unnecessary litigation, promote job security, and uphold the principles of justice and fairness that they are meant to embody. This approach aligns with international standards and sets a positive precedent for the private sector to follow, thereby contributing to the overall betterment of labour practices in the country."

14. To substantiate the arguments raised by learned counsel for the appellant, we have examined the contents of the above-mentioned judgment passed by the Supreme Court, and find that same do not apply to the facts of this case. Even the other judgments cited by the learned counsel for the appellant are also not applicable to the facts of the present case.

15. We cannot overlook the fact that the appellant continued working under the contract system for over ten years before his services were terminated in 2015 and he had never raised any dispute during this period, but instead accepted the continuation of his employment under the contract system. After considering this issue, we believe that the appellant-workman, by not raising such a plea even after ten years, became a fence-sitter, and such a belated claim can only be regarded as stale. The Learned Single Judge, while deciding the bunch of writ petitions, relied upon the well-settled law in SLP(C) 19848 of 2023, titled "**The Joint Secretary, CBSE Vs. Raj Kumar Mishra and ors.**", decided on 17.03.2025, and

dismissed the writ petitions. The relevant extract is reproduced below:

“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.

8. This clearly in the considered opinion of the Court would not establish master-servant relationship.

9. Had it been the case where there were other materials also in favour of the private respondents in both cases showing that they may have a case for being considered as an employee of the appellants, we may not have interfered with the orders impugned and would have left it to the Labour Court to once again to go into the matter(s) on merits. However, when the best defence of the private respondents in both cases, as discussed supra, has been found to be totally of no consequence to the private respondents in both cases, we find that the remand would be an exercise in futility.

10. Accordingly, the appeals stand allowed. The order(s) impugned are set aside to the extent the matters have been remanded to the Labour Court. As the awards have already been quashed, no separate order needs to be passed in this regard.”

8. Learned counsel for the appellant is unable to dispute the applicability of the judgment passed in Nishan Singh’s case (supra), which squarely covers the facts of the present case. Accordingly, this Court finds no ground for interference. No other point has been urged.

9. In view of the above discussion, we are of the considered view

that the learned Single Judge rightly dismissed the writ petition filed by the appellant-workman and committed no perversity or error warranting interference.

10. Consequently, the present Letters Patent Appeal is dismissed in the same terms.

11. All pending miscellaneous applications also stand disposed of.

(DEEPAK MANCHANDA)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

12.11.2025
vanita/sandeep

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