



CWP-13996-2014

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

(224)

CWP-13996-2014

Date of Decision : 07.05.2026

President/General Secretary, Class IV Workers
Maha Sangathan, U.T. Chandigarh

...Petitioner

Versus

Presiding Officer, Industrial Tribunal and
Labour Court, U.T. Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Lalit Rishi, Advocate
for the petitioner.

Mr. Rakesh Sobti, Addl. Standing Counsel
for respondents No.2 and 3-U.T. Chandigarh.

KULDEEP TIWARI, J. (ORAL)

1. The reference was answered against the workman, while stating that there exists no employer-employee relationship between the petitioner and the respondent-Management. Through an award dated 11.12.2013 (Annexure P-2), which is now a subject matter of the instant writ petition, as the workman fetching grievance from the award (supra), has filed the instant writ petition, cast under Article 226/227 of the Constitution of India.

2. In order to throw challenge to the award (supra), learned counsel for the petitioner submits that there is sufficient evidence on record to substantiate that the petitioner was in fact, appointed by the respondent No.3-school, and in order to camouflage, he has been shown to have been appointed through the Parents Teachers Association (for short 'PTA') society.

He further submits that the head of the school i.e. the Principal, had issued an



identity card under his signature, therefore, there is sufficient evidence to establish the existence of employer and employee relationship. This aspect has not been considered by learned Industrial Tribunal concerned. He further submits that five demands were raised, which were referred to as a reference by the competent authority. However, none of the issues were examined by learned Tribunal, therefore, in absence of proper adjudication of the issue raised through the reference, the award (supra), requires interference by this Court.

3. On the other hand, learned counsel for the respondents strongly opposed the submissions, and submitted that there is no evidence at all, which could establish the employer-employee relationship between the petitioner and the respondents. He submits that the petitioner was appointed by the PTA Society, and the respondent No. 3-School has nothing to do with that. He was paid remunerations from the PTA fund, and he was never engaged by the Management-Education Department, who is the appointing authority of the employees working in the Government School in Chandigarh. He further submits that the PTA society, has never been impleaded as a party. Even, the petitioner worked for the respondent/Management, intermittently, and not continuously. Finally, he submits that the petitioner has failed to establish any employer-employee relationship, and there was no occasion for learned Tribunal, to adjudicate all the issues raised through the demand notice.

4. This Court has considered the submissions made by both the parties.

5. The primary issue, which was considered by learned Tribunal is, as to whether, the service of the workman was terminated illegally by the respondent/Management, and secondly, whether, the workman was employed



by the PTA Society, or by the respondent/Management. While deciding these two issues, a positive finding has been given to the effect that there does not exist an employer and the employee relationship between the petitioner and the respondent-Management. It is not disputed that, no appointment letter was issued in favour of the petitioner/workman, nor was any salary paid by any of the respondent-Management, rather, there is a positive finding of learned Tribunal that, the petitioner was being paid remunerations from the PTA fund. Merely, the issuance of I-card by respondent No.3/school, to the petitioner does not create any presumption in his favour for this Court, to lift the veil and to establish that there does exists any employer-employee relationship. The identity card may have been issued to the petitioner, for the purpose of entering into the school, as he was appointed by the PTA Society.

6. Once the Tribunal has given a finding, to the effect, that there exists no employer-employee relationship between the petitioner and the respondents No.2 and 3, and there was no occasion to adjudicate the other demands, which have no relevance with the present respondent-Management. In view of the above, well reasoned award of learned Tribunal does not require any interference by this Court.

7. Consequently, the instant writ petition being devoid of merit, is hereby, **dismissed**.

(KULDEEP TIWARI)
JUDGE

May 07, 2026
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No