

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

108

CWP-22248-2012

Date of Decision : May 13, 2026

DINESH KUMAR

-PETITIONER

V/S

M/S SUN STARING WHEEL PRIVATE LTD. AND ANR.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sandeep Kumar Rawal, Advocate, for
Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Surjit Singh Saini, Advocate, and
Mr. Surendra Pant, Advocate
for the respondents No.1 and 2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioner/workman assails the award dated 15.02.2012 passed by the Industrial Tribunal, Gurgaon, whereby the reference was answered against him on two grounds, namely: (i) the workman had not completed 240 days of service in the twelve months preceding the date of termination; and (ii) no employer-employee relationship existed between the respondent No.1/management and workman.

2. Learned counsel for the workman, by placing reliance upon the communication dated 01.09.2001 (Annexure P-3) addressed by respondent No.1 to Saraswati Hospital, whereby consent was accorded for continuation of medical treatment of the workman on account of injury suffered by him to his right index finger during the course of duty, submits that the said

document clearly establishes that the workman was in service. However, the Industrial Tribunal has erred in not appreciating the same in its correct perspective.

3. No other submission has been advanced on behalf of the workman.

4. *Per contra*, learned counsel for the respondent No.1/management submits that there existed no employer-employee relationship, as the workman was engaged by respondent No.2/contractor on a contractual basis and was merely deployed to work at the premises of respondent No.1/management. It is further submitted that there is no cogent evidence on record to establish any such relationship. It is also submitted that, in any case, the workman had worked only for a period of about 15 days, i.e. from 03.07.2001 to 18.07.2001, when he suffered an accident, and therefore, he had not completed 240 days of service in the year preceding the termination.

5. This Court has heard learned counsel for the parties and perused the record.

6. The record, particularly the pleadings of the workman himself, clearly reveals that he did not work with respondent No.1/management for more than 15 days. In the claim statement, the workman has himself pleaded that he was appointed on 03.07.2001 and met with an accident on 18.07.2001, whereafter he remained admitted in Saraswati Hospital, Delhi Road, Gurugram, and was discharged on 25.07.2001. He further pleaded that he reported for duty on 02.01.2002, but was not permitted to join on the ground that he should first recover. Thereafter, on 22.07.2002, even upon

producing a fitness certificate, he was again not allowed to resume duties.

7. In the aforesaid factual backdrop, the communication dated 01.09.2001 (Annexure P-3), relied upon by learned counsel for the workman, does not support the case of the workman insofar as completion of 240 days of service in the year preceding the termination is concerned.

8. As regards the issue of employer-employee relationship, the same has been specifically disputed by respondent No.1/management on the ground that the workman was appointed by respondent No.2/contractor, namely Balaji Security Service, which was also a party before the Industrial Tribunal. The Industrial Tribunal, upon appreciation of evidence, has returned a categorical finding that no employer-employee relationship existed between the respondent No.1/management and workman.

9. This Court is of the considered view that the material on record supports the findings recorded by the Industrial Tribunal. Moreover, learned counsel for the workman has been unable to point out any relevant evidence warranting interference with the said findings.

10. In summa, this Court finds no illegality or infirmity in the impugned award and the same is accordingly upheld. The writ petition, being devoid of merit, is **dismissed**.

May 13, 2026
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(KULDEEP TIWARI)
JUDGE

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