



CWP-26543-2015

-1-

232

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

CWP-26543-2015

Date of Decision : 05.02.2026

DEVENDER SINGH BHATTI

.....Petitioner

VERSUS

**PRESIDING OFFICER INDUSTRIAL TRIBUNAL
CUM LABOUR COURT-II AND ORS**

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Meenakshi Thakur, Advocate for
Mr. Raja Agnihotri, Advocate,
for the petitioner.

Mr. Pawan Kumar Mutneja, Sr. Advocate assisted by
Mr. Viranjeet Singh Mahal, Advocate and
Ms. Suverna Mutneja, Advocate,
for respondent no.2.

Ms. Harmanjot Kaur, Advocate for
Ms. Mridula Seth, Advocate,
for respondent no.3.

KULDEEP TIWARI, J.(Oral)

1. Through the instant writ petition filed under Article 226/227 of the Constitution of India, the workman has approached this Court, challenging the legality of the Award dated 26.02.2014 (Annexure P-1), wherethrough, the reference made under Section 10(1)(c) of the Industrial Disputes Act, 1947, was answered against him, by the learned Industrial Tribunal concerned (respondent no.1), holding that his services were not terminated by respondent no.2, and no employer-employee relationship



existed between the parties.

2. Learned counsel for the petitioner, while drawing attention of this Court, towards the statement of one Ram Gopal, who stepped into the witness box as WW2, to substantiate that the petitioner-workman, continued to work with respondent no.2-contractor even after October, 1999, upto 2007, and his services were erroneously transferred to respondent no.3. Except this piece of evidence, no other document has been relied upon/produced to establish the existence of an employer-employee relationship between the petitioner and respondent no.2.

4. Succinctly stated, the petitioner was alleged to have been appointed on 03.04.1999, with respondent no.2, and was drawing a salary of Rs.2,814/- per month. Respondent no.2 was also deducting EPF and ESI, from his wages. However, no appointment letter etc. was ever issued to the petitioner. It is also alleged that respondent no.2 was indulged in unfair labour practice and on 07.05.2007, when the petitioner asked for his salary from respondent no.2, they forced him to sign several blank papers and forms. However, when the petitioner denied to do so, they refused to pay his salary, and on the very next day i.e. 08.05.2007, respondent no.2, terminated his services. The demand notice was duly refuted by respondents no.2 and 3, in their written statements. Respondent no.2 denied existence of employer-employee relationship, and therefore, they asserted that there is no question of violation of any provisions of Sections 25-G, 25-H, 25-F and 25-N of the Industrial Disputes Act, 1947. On the other hand respondent no.3, asserted that the

**CWP-26543-2015****-3-**

petitioner was appointed as Helper w.e.f. 19.02.2005, and was drawing a monthly salary of Rs.2554/-, and they were depositing the EPF and ESI contribution under the relevant code number as detailed in the written statement. It was, categorically, admitted by respondent no.3, that the petitioner was working under their direct control and supervision, and the petitioner, was never denied entry at the gates of factory of respondent no.2, on dated 08.05.2007, rather, the petitioner absented himself from duty thereafter. It was also stated that, his unpaid salary for the month of March, 2007 and April, 2007, was still lying with them.

5. Before the learned Tribunal concerned, both the parties led their respective evidence, and upon appreciation thereof, the reference was answered against the petitioner vide an Award dated 26.02.2014, by observing that there existed no relationship of employer-employee between the petitioner and respondent no.2; and it was the petitioner, who was not ready to join his duty, which is admitted by him in his cross-examination. The said Award is now under challenge before this Court.

6. This Court has heard the rival submissions, as made by learned counsel for the parties concerned, and has perused the entire case file.

7. Except for the statement of an interested witness examined by the petitioner, there is no material on record to establish that after October 1999, the petitioner was employed by respondent no.2. For the period from May 1999 to October 1999, evidence exists to show that EPF and ESI contributions were made while the petitioner was working with

**CWP-26543-2015**

-4-

respondent no.2. However, for the period thereafter till May 2007, no such evidence has been produced by the petitioner. On the contrary, the record shows that EPF and ESI contributions were made by respondent no.3 from 19.02.2005 to 07.05.2007. In his cross-examination, the petitioner has categorically admitted that he was paid wages through the contractor, and that he did not join service thereafter. In view of this admission, the case cannot be treated as one of termination. The learned Tribunal has, therefore, rightly answered the reference against the workman. The Award suffers from no perversity or illegality warranting interference by this Court.

8. Consequently, the instant petition, is hereby, **dismissed**.

February 05, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

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