



CWP-33491-2019

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

(247)

CWP-33491-2019

Date of Decision : 02.02.2026

Lakhwinder Singh

...Petitioner

Versus

Presiding Officer, Labour Court,
Ambala and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Atul Yadav, Advocate
for the petitioner.

Mr. Rohan Mittal, Advocate
for respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. The petitioner-workman has knocked the door of this Court by invoking writ jurisdiction under Article 226/227 of Constitution of India, to through a challenge to award dated 30.07.2019 (Annexure P-4), as passed by learned Labour Court, Ambala (respondent No.1), where through, the reference was answered against him mainly on the ground that he failed to establish employer and employee relationship between him and respondent No.2/Management.

2. Succinctly put, the petitioner had filed a claim statement stating therein, that he was appointed as Loader Operator and Welder on 23.10.2008 and his pay was fixed at Rs.15,000/- per month. Thereafter, he was promoted as Loader Operator and his pay was increased to Rs.20,145/- per month. It was also submitted that the petitioner had no supervisory or drawing and disbursing powers. Therefore, to set up his claim, that he falls within the ambit

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of workman, it is alleged that his services were illegally terminated by respondent No.2/Management, through a verbal order dated 21.08.2016, without issuing any notice to him. Further, in the claim statement it was pleaded that a junior workman, namely, Imtiaz had been retained into the service whereas, the services of the petitioner was terminated in gross violation of Sections 25(G), 25(H) and Section 25(F) of the Industrial Disputes Act, 1947 (for short 'the ID Act'). Finally, he submitted that a complaint to the Labour Inspector, Circle Panchkula was submitted on 30.08.2016, where representative of the Management appeared and the Labour Inspector concerned advised the petitioner on 17.10.2016, to take appropriate remedy against the Management/respondent No.2, in accordance with law. The respondent No.2/Management did not take the petitioner/workman back into service and without any intimation, an amount of Rs.1,49,814/- was transferred in the bank account of petitioner/workman, on 18.11.2016, without his knowledge.

3. The claim statement was refuted by the respondent No.2/Management, by filing a detailed reply and disputed the factum of existence of any employer-employee relationship. Rather, it was positively pleaded that the petitioner/workman was appointed through a private contractor, namely, Abhay Kumar Mishra, who deals in all kinds of civil work contracting, having office at Faridabad. It was further submitted that all the contract amount have been paid to the contractor and the petitioner/workman is not directly associated with the respondent No.2/Management.

4. During the pendency of the reference before the learned Tribunal concerned, Abhay Kumar Mishra was arrayed in the area of respondents, as respondent No.2. Learned Tribunal concerned dismissed the reference through



the impugned award by recording a finding to the effect that there existed no employer-employee relationship between the petitioner-workman and Respondent No.2/Management, whereas, the private contractor-respondent No.3, has settled the dispute by paying full and final amount of Rs.1,49,814/-, to the petitioner/workman.

5. Learned counsel for the petitioner has drawn the attention of this Court towards the cross-examination of Nilesh Miglani, who stepped into the witness box as MW-2, on behalf of respondent No.2/Management, where he categorically admitted that Imtiaz and Satish Kumar, were still working with the respondent No.2/Management, and it was sufficient to establish that there is clear cut infraction of Section 25(G) and Section 25(H).

6. No other argument was raised before this Court.

7. This Court has considered the submissions made by the parties concerned, and does not find any merit in the submissions made before this Court, and has also perused the impugned award.

8. From a careful reading of the claim statement, it transpires that the petitioner never alleged that he was ever appointed by the respondent No.2/Management, rather he opted to remain silent on this issue. Though, in the area of respondents, he initially impleaded the respondent No.2, only. Subsequently, Abhay Kumar Mishra was also arrayed as respondent No.3. He has failed to establish by leading any cogent evidence that there existed any master and servant relationship between the petitioner-workman and the respondent No.2/Management. Therefore, even if some workman was engaged by respondent No.2/Management, it does not come to substantiate the claim of the petitioner, as he was in fact held to be employed by Abhay Kumar Mishra, a private contractor. In absence of any pleading or any specific



evidence, which could establish the master-servant relationship, the arguments raised before this Court *qua* violation of Section 25(G) and Section 25 (H) of the ID Act, by M/s Lafarge Aggregates and Concrete India Pvt. Ltd. (respondent No.2), does not carry any merit. Therefore, they need to be rejected.

9. Learned counsel for the petitioner has been unable to point out any perversity or illegality in the impugned award requiring this Court to interfere therein.

10. Consequently, finding no merit in the instant writ petition, the same is hereby, **dismissed**.

(KULDEEP TIWARI)
JUDGE

February 02, 2026
Manpreet

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