



CWP-49-2020 and other connected cases :1:

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

248 CWP-49-2020 (O&M)
Date of decision : 27.01.2025

VIJAY KUMAR

..... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

..... Respondents

249

CWP-77-2020 (O&M)

DARSHAN SINGH

..... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

..... Respondents

250

CWP-82-2020 (O&M)

AVTAR SINGH

..... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

..... Respondents

275

CWP-37644-2019 (O&M)

RAM ABHILASH

..... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Ms. Kashish Mehta, Advocate for
Mr. Jitender Singh Dadwal, Advocate
for the petitioner in all cases.

Ms. Akshita Chauhan, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

1. All the above said four writ petitions are taken up together for



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hearing and decision at request and with consent of learned counsel for the parties, as an identical issue is involved in all of them.

2. In the present bunch of petitions, the challenge is to the award dated 02.02.2018 (Annexure P-1) passed by Industrial Tribunal and Labour Court, Ludhiana by which, the claim of the petitioners-workmen against the respondent No.3-Punjab State Public Corporation Limited has been rejected by recording a finding that there was no master and servant relationship between workmen and respondent No.3-Punjab State Public Corporation Limited and others.

3. Learned counsel for the petitioners argues that once, the petitioners had worked with the respondent No.3-Punjab State Public Corporation Limited, the petitioners-workmen are to be treated as its employees for all intents and purposes and as the services of the petitioners-workmen were wrongly terminated on 01.10.2012 altogether without issuing any notice and without complying with the provisions of the Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act'), the said termination should have been held violated, arbitrary and illegal and the petitioners should have been reinstated whereas, the claim has been rejected by the Tribunal by the impugned award dated 02.02.2018. Learned counsel for the petitioners argues that the petitioners worked for the respondent No.3-Corporation though through the contractor but, as the work was being discharged with the respondent No.3-corporation, the workmen should have been treated as employees of the Corporation instead of the contractor so as to deny them the benefits.

4. Learned counsel for the respondents-State submits that once



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there was no master and servant relationship between the workmen and the corporation and concededly, they worked for the contractor and the petitioners-workmen were working under the contractor, in the absence of any master and servant relationship, the workmen cannot claim violations of the provisions of 1947 Act to claim any relief.

5. Learned counsel for the respondent-State submits that the award passed by the Tribunal is perfectly valid.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. Once, the petitioners-workmen have not been able to prove the master and servant relationship between the workmen and the corporation, no relief could have been granted. Learned counsel for the petitioner-workmen has not been able to rebut the evidence that the petitioners were working through the contractor M/s Rajindra Electricals and Electronics Sirsa, Haryana. That being so, the petitioner-workmen can only claim the master and servant relationship with M/s Rajindra Electricals and Electronics Sirsa, Haryana whereas, the relief claimed against the said respondent was given up during the proceedings before the Industrial Tribunal, Ludhiana itself.

8. Learned counsel for the petitioners has not been able to rebut the findings recorded by the Tribunal to be perverse in any manner so as to claim the relief. In the absence of any master and servant relationship between the petitioners and the corporation, no relief could have been given to the petitioners hence, the impugned award dated 02.02.2018 (Annexure P-1) passed by the Tribunal needs no interference at the hands of this Court and the present petitions are dismissed.



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9. A photocopy of this order be placed on the connected case file numbered above.

**(HARSIMRAN SINGH SETHI)
JUDGE**

27.01.2025

Rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	No