



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

115

CWP-9576-2025

Date of Decision: 01.05.2025

Raj Bala

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikram Singh Brar, Advocate with
Ms. Arushi Lamba, Advocate for the petitioner.

Mr. Gaurav Jindal, Addl. AG, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenges to the award passed by the Labour Court dated 30.04.2024, copy of which has been appended as Annexure P-3, the petitioner has been held as an employee of the respondent No.3-outsourcing agency and she has been granted relief of compensation of Rs.50,000/-, which is to be paid by respondent No.3-outsourcing agency, after holding that there has been a violation of Section 25-F of the Industrial Disputes Act, 1947.

2. Learned counsel appearing on behalf of the petitioner submits that though the benefit of compensation by declaring the termination of petitioner from his service as bad has been given in favour of the petitioner but the relief of compensation has been given against respondent No.3-outsourcing agency.

3. Learned counsel for the petitioner argues that the petitioner should have been treated as the employee of the respondent No.1 for all



intents and purposes and should have been granted relief of compensation against respondent No.1 rather than respondents No.3-outsourcing agency.

4. I have heard learned counsel for the parties and have gone through the records of this case with their able assistance.

5. The first contention, which has been raised by the learned counsel for the petitioner is that the respondent No.3 did not have the valid licence to supply the work-force and hence, keeping in view the settled principles of law that in the absence of a valid contract a worker working under a contractor is to be treated as an employee of the principle employer, the petitioner was required to be treated as an employee of respondent No.1 for all intents and purposes. This argument of the petitioner has to be dealt in more than one way.

6. Firstly, the assertion of the petitioner that the respondent No.3-contractor was not eligible to hold the contract has to be proved on record by bringing cogent evidence qua the same. On being asked to point out any evidence with regard to the ineligibility of respondent No.3-contractor to get the contract for the supply of the labour force, learned counsel for the petitioner has only been able to site an order by which, five contractors were brought on a panel whereby they were granted the tender for supplying the work force, which order did not include the name of respondent No.3-contractor. The said document does not help the petitioner in any way as, nothing stops the respondent No.1 to issue a contract in favour of respondent No.3 to supply labour force, in case, he was eligible to enter into such contract. Further, the said document does not in any manner dispute the ineligibility of respondent No.3 to enter into a contract to supply labour



force. In order to get the relief against the respondent No.1, the ineligibility of respondent No.3-contractor has to be proved on the basis of documentary evidence, which documents are missing in the present case.

7. Hence, the assertion of the learned counsel for the petitioner that respondent No.3-contractor was not eligible to hold such a contract, is not proved from the facts and the evidence which has come on record.

8. Further, the relief has already been granted to the petitioner by granting her a compensation of Rs.50,000/-; whether the benefit of compensation is paid by respondent No.3-contractor or respondent No.1 is immaterial. Therefore, whether the respondent No.3-contractor had valid licence or not to enter into contract should not be of any concern to the petitioner. Keeping in view the fact, that relief of compensation has been granted to the petitioner, the question that whether the petitioner is to be treated as an employee of respondent No.1 or respondent No.3, does not make much of a difference.

9. At this stage, learned counsel for the petitioner argues that in case, the petitioner is treated as an employee of respondent No.1, then she can claim the benefit of reinstatement in service, keeping in view the fact that, the employee juniors to the petitioner were retained in service by respondent No.1.

10. On being asked to prove from the facts on the evidence which have been brought on record which could show that any junior of the petitioner was retained in service, learned counsel for the petitioner has not been able to name even one junior, which been retained in service by the respondent No.1- department.



11 Learned counsel for the petitioner further submits that assertion was made but the petitioner did not know the name of any such junior. In case, the petitioner does not know the name of her colleague, who were junior to her, then it is very difficult to accept the assertion of the petitioner that any junior of the petitioner was retained in service in preference to the petitioner.

12. Keeping in view the fact that the petitioner has failed to prove that any employee junior to the petitioner working with respondent No.1 was retained in service in preference to the petitioner and, even if in such a scenario the petitioner is held to be employee of respondent No.1, then also, she will only be entitled for benefit of compensation of Rs.50,000/- instead of benefit of reinstatement in service. Hence, whether the said compensation is to be paid by respondent No.1 or respondent No.3 does not materially effect the petitioner in any way.

13. Keeping in view totality of the circumstances, as no perversity qua the fact and evidence, which have come on record in the award impugned could be proved by the petitioner, no ground is made out for interference in this case at the hands of this Court.

14. Dismissed.

15. Pending miscellaneous application(s), if any, also stand disposed of.

**(HARSIMRAN SINGH SETHI)
JUDGE**

May 01, 2025

Nisha-1

Whether speaking/reasoned	Yes
Whether reportable	No