



**CWP-16422-2015 (O&M) -1-
& connected cases**

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

215 (03 cases)

**CWP-16422-2015 (O&M)
Date of Decision :09.07.2025**

Sukhender Tyagi

...Petitioner

Versus

Manager, M/s Unimet Profiles Pvt. Ltd and another

...Respondents

CWP-16428-2015 (O&M)

Munshi Ram

...Petitioner

Versus

Manager, M/s Unimet Profiles Pvt. Ltd and another

...Respondents

CWP-16501-2015 (O&M)

Om Parkash

...Petitioner

Versus

Manager, M/s Unimet Profiles Pvt. Ltd and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

**Present: Mr. Vineet Yadav, Advocate for
Mr. Narender Yadav, Advocate for the petitioner(s).**

None for the respondents.



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Harsimran Singh Sethi, J. (Oral)

1. In the present bunch of three petitions, the challenge is to the awards passed by the Industrial Tribunal-cum-Labour Court-I, Gurugram in the respective writ petitions by which, the relief claimed i.e. reinstatement and back wages against the alleged termination of service has been declined on the ground that no master and servant relationship has been proved by the petitioner-workmen with the respondent No.1-management.

2. Learned counsel for the petitioner(s)-workmen argues that some of the photocopies of the documents including the schedule of the insured person were produced but the same have not been taken into account by the Labour Court while passing the impugned awards.

3. Learned counsel for the petitioner(s)-workmen conceded the factum that there was no appointment order issued in favour of the petitioner(s)-workmen so as to claim master and servant relationship between the petitioner(s)-workmen and respondent No.1-management.

4. I have heard learned counsel for the petitioner(s) and have gone through the record with their able assistance.

5. As per the settled principle of law settled by the Hon'ble Supreme Court of India in **SLP (Civil) No.19648-2023 titled as, The Joint Secretary, Central Board of Secondary Education and another vs Raj Kumar Mishra and others decided on 17.03.2025**, the factum of master and servant relationship has to be proved on the basis the documents. Relevant paragraphs of the said judgments are as under:-



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“6. Having considered the facts and circumstances of the case(s) and submissions of learned counsel for the parties, we find 3 substance in the contentions of learned counsel for the appellants. The issue whether the private respondents were employees of the appellants, is the crux of the matter. Whatever material has been placed and even the best point which was argued by the learned Senior Counsel for the private respondents before this Court was that since there was supervisory and jurisdictional control over the private respondents by the appellants, ipso facto, they would become employees of the appellants is noted only to be rejected.

7. This is not only a very simplistic approach, but also a totally erroneous approach in law. For a person to claim employment under any organization, a direct master-servant relationship has to be established on paper. In the present case(s), admittedly, the only document, which the private respondents have in their favour, is showing that they were posted at various places doing different nature of work.

8. This clearly in the considered opinion of the Court would not establish master-servant relationship.”

6. In the present case, it is a conceded position that there was no appointment order which has been brought on record to show that there existed master and servant relationship between the petitioner(s)-workmen and respondent No.1-management. The only argument of the learned counsel for the petitioner(s)-workmen is that there are certain photocopies of the insured person which has been brought on record but the same have not been accepted by the Labour Court as the same could not be proved to be a valid document.

7. Once, the documents being relied upon have been treated as



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invalid documents and it has been conceded that the original of the same are not with the petitioner(s)-workmen and nothing evident has come on record that from where the photocopies have been brought on record, the Labour Court while passing the award has rightly not accepted the same.

8. In order to interfere with the award, the same has to be proved to be perverse to the facts and evidence brought on record, which has not been proved by the learned counsel for the petitioner(s)-workmen in the facts and circumstances of the present case.

9. Keeping in view the totality of the facts and circumstances of the present case, no ground for interference is made out and the writ petitions are accordingly dismissed.

10. Civil miscellaneous application pending, if any, is also disposed of.

11. A photocopy of this order be placed on the file of connected cases.

July 09, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No