



**CWP-9580-2015 & connected cases -1-**

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

**228 (03 cases)**

**CWP-9580-2015  
Date of Decision :27.01.2025**

**Parminder Singh**

**...Petitioner**

**Versus**

**Industrial Tribunal, Bathinda & others**

**....Respondents**

**CWP-13117-2015**

**Avtar Singh**

**...Petitioner**

**Versus**

**Industrial Tribunal, Bathinda & others**

**....Respondents**

**CWP-13116-2015**

**Balwinder Singh**

**...Petitioner**

**Versus**

**Industrial Tribunal, Bathinda & others**

**....Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

**Present: Ms. Anamika Sheoran, Advocate for  
Mr. G.S. Brar, Advocate for the petitioner(s).**

**None for respondents No.2 & 3.**

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**Harsimran Singh Sethi, J. (Oral)**

1. In the present bunch of petitions, the award dated 16.10.2014 (Annexure P/8) passed by the Presiding Officer, Industrial Tribunal, Bathinda declining the relief in respect of three Workmen is under challenge.

2. The claim of the petitioner(s)-Workmen that they were the employees of the Punjab State Warehousing Corporation, Chandigarh and had rendered more than 10 years of service with the Corporation before the termination of their services without following the provisions of Industrial Dispute Act, 1947, has been rejected by the Tribunal vide award dated 16.10.2014 (Annexure P/8).

3. Learned counsel for the petitioner(s)-Workmen further submits that the petitioner(s)-Workmen were employees of the respondent-Corporation and once, an assertion was made qua the employment, it was incumbent upon the respondent-Corporation to rebut the same by producing record and since the record was not produced qua the employment of the petitioner(s)-Workmen, so an adverse inference was to be drawn, which has not been drawn by the Tribunal while passing impugned award dated 16.10.2014 (Annexure P/8) which is contrary to the settled principle of law settled by the Hon'ble Supreme Court of India in **Civil Appeal No.5124-2004 titled as R.M. Yellatti vs. The Assistant Executive Engineer .**

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

5. It may be noticed that in the award a categoric finding has been recorded that even as per the statement of the Workmen there was no



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appointment order was issued and no termination order passed against the Workman so as to prove the employment with the respondent-Corporation. Once, the said finding has not been rebutted and conceded before this Court that there was no appointment order issued or termination order was passed, then the finding recorded by the Tribunal that there is no master and servant relationship proved, cannot be disturbed.

6. With regard to the assertion that it was the duty of the respondent-Corporation to bring the record in case the same was asked for and hence, an adverse inference should have been drawn against the respondent-Corporation qua the employment of the petitioner(s)-Workmen, the judgment of the Hon'ble Supreme Court of India in **R.M. Yellatti (supra)** is being misread. It is only in case the burden is discharged by the Workmen by adducing cogent evidence both oral and documentary qua the question of employment or termination, the period of service was required to be proved by the respondent-employer. But in the present case, the petitioner(s)-Workmen have failed to prove that they were in the employment of the respondent-Corporation. That being so, no benefit can be granted to the Petitioner(s)-Workmen.

7. Even otherwise, in the writ petition, the perversity in the award is to be seen keeping in view the facts and evidence brought on record. Learned counsel for the petitioner(s)-Workmen has not been able to point out any perversity based upon the facts of the present case or the evidence which has been brought on record.

8. Keeping in view above, no ground for interference by this Court is made out the writ petitions are accordingly dismissed.



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9. Civil miscellaneous application pending, if any, is also disposed of .
10. A photocopy of this order be placed on the files of connected cases.

**January 27, 2025**  
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**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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