

**CM-6483-CWP-2025 in/and  
CWP-6562-2018 (O&M) and  
other connected matters**

2025:PHHC:059731



**1**

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH  
(Sr. No. 111)**

**(1) CM-6483-CWP-2025 in/and  
CWP-6562-2018 (O&M)  
Date of Decision : May 05, 2025**

**Jagdish Singh .. Petitioner**

**Versus**

**Presiding Officer, Central Government Industrial Tribunal-cum-  
Labour Court-II, Chandigarh and others .. Respondents**

**(2) CM-6502-CWP-2025 in/and  
CWP-6012-2018 (O&M)**

**Manjeet Singh .. Petitioner**

**Versus**

**Presiding Officer, Central Government Industrial Tribunal-cum-  
Labour Court-II, Chandigarh and others .. Respondents**

**(3) CM-6484-CWP-2025 in/and  
CWP-6561-2018 (O&M)**

**Bahadur Singh .. Petitioner**

**Versus**

**Presiding Officer, Central Government Industrial Tribunal-cum-  
Labour Court-II, Chandigarh and others .. Respondents**

**(4) CM-6501-CWP-2025 in/and  
CWP-6974-2018 (O&M)**

**Pavittar Singh .. Petitioner**

**Versus**

**Presiding Officer, Central Government Industrial Tribunal-cum-  
Labour Court-II, Chandigarh and another .. Respondents**

**CM-6483-CWP-2025 in/and  
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**(5) CM-6499-CWP-2025 and  
CM-6500-CWP-2025 in/and  
CWP-11022-2018 (O&M)**

**Som Dutt .. Petitioner**

**Versus**

**Presiding Officer, Central Government Industrial Tribunal-cum-  
Labour Court-II, Chandigarh and another .. Respondents**

**(6) CM-6482-CWP-2025 in/and  
CWP-11016-2018 (O&M)**

**Manjinder Preet Singh .. Petitioner**

**Versus**

**Presiding Officer, Central Government Industrial Tribunal-cum-  
Labour Court-II, Chandigarh and another .. Respondents**

**(7) CM-6486-CWP-2025 in/and  
CWP-10986-2018 (O&M)**

**Chet Pal .. Petitioner**

**Versus**

**Presiding Officer, Central Government Industrial Tribunal-cum-  
Labour Court-II, Chandigarh and another .. Respondents**

**(8) CM-6481-CWP-2025 in/and  
CWP-11161-2018 (O&M)**

**Girija Shankar Pandey .. Petitioner**

**Versus**

**Presiding Officer, Central Government Industrial Tribunal-cum-  
Labour Court-II, Chandigarh and another .. Respondents**

CM-6483-CWP-2025 in/and  
CWP-6562-2018 (O&M) and  
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***CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present: Mr. Tanvir Singh Attariwala, Advocate for the petitioner(s).  
in all cases.

Ms. Deepali Puri, Advocate, for respondents No. 2 & 3  
in CWP Nos.6974, 10986, 11022, 11161 and 6562 of 2018.

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

***CM-6483-CWP-2025 in CWP-6562-2018, CM-6502-CWP-2025 in CWP-6012-2018, CM-6484-CWP-2025 in CWP-6561-2018, CM-6501-CWP-2025 in CWP-6974-2018, CM-6499-CWP-2025 in CWP-11022-2018, CM-6482-CWP-2025 in CWP-11016-2018, CM-6486-CWP-2025 in CWP-10986-2018 and CM-6481-CWP-2025 in CWP-11161-2018***

Present applications have been filed for recalling the order dated 26.03.2025, by which, the present writ petitions were dismissed for non-prosecution.

Keeping in view the averments made in the applications, which is duly supported by the affidavits, the same are allowed. The order dated 26.03.2025 is recalled and the writ petitions are restored to their original number and status and the main cases are taken up today itself.

***CM-6500-CWP-2025 in CWP-11022-2018***

Present application has been filed for impleading legal representatives of the petitioner, who unfortunately died on 31.01.2024, during the pendency of the writ petition.

Keeping in view the averments made in the application, which are duly supported by an affidavit, present application is allowed. Legal heirs of the petitioner, the details of whom are given in para 2 of the application, are allowed to be impleaded in the present writ petition and the amended



memo of parties attached with the present application is taken on record only for prosecuting the present litigation.

CM stands allowed.

**CWP-6562-2018, CWP-6012-2018, CWP-6561-2018, CWP-6974-2018, CWP-11022-2018, CWP-11016-2018, CWP-10986-2018 and CWP-11161-2018**

1. In the present bunch of petitions, the challenge is to the order dated 31.08.2015 passed by the Tribunal by which the claim of the petitioner(s) that they are the employees of the respondent-department i.e. Bharat Sanchar Nigam Limited (BSNL), has been rejected and a finding has been recorded that the petitioner(s) are the employees of the Contractor.

2. Learned counsel for the petitioner(s) argues that once, it is a conceded position that the petitioner(s) were working with the respondent-BSNL and were working under the direct supervision and control of respondent-BSNL, the petitioner(s)-workmen are to be treated as the employees of the BSNL only. Learned counsel for the petitioner(s) submits that even if the services of the petitioner(s)-workmen were engaged through a Contractor, the primary issue that whether the petitioner(s)-workmen had discharged the duties for the BSNL or not should have been appreciated by the Tribunal rather than rejecting the claim of the petitioner(s)-workmen by recording a finding that there exists no master and servant relationship between petitioner(s)-workmen and respondent-department.

3. Learned counsel appearing on behalf of the respondents submits that once there is no appointment order issued by the BSNL in favour of the



petitioner(s)-workmen and no payment was ever made to the petitioner(s)-workmen by the respondent-department BSNL, the claim of the petitioner(s) that they are the employees of the respondent-department BSNL so as to get benefit of temporary status, has rightly been rejected.

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

5. The master and servant relationship needs to be proved on the basis of the documentary evidence such as the appointment order issued in favour of the petitioner(s)-workmen by one with whom such relationship is claimed or the salary being disbursed to the employee. The statement of the petitioner(s)-workmen has already come on record whereby they themselves have conceded that there was no appointment order issued in their favour by the respondent-department BSNL. Further, the petitioner(s)-workmen conceded that they were being paid the salary by the Contractor. Once, there was no appointment order issued in favour of the petitioner(s) by the respondent-department BSNL and no salary was paid to them by the BSNL, it cannot be said that there existed a master and servant relationship between them so as to set-aside the findings of the Labour Court.

6. The only ground raised by the learned counsel for the petitioner(s)-workmen is that they were working under the direct supervision and control of the BSNL which was good enough to hold that there existed a master and servant relationship between the petitioner(s)-workmen and respondent-department.



7. The said issue has already been decided by the Hon'ble Supreme Court of India in Special Leave Petition (Civil) No. 19648 of 2023 titled as *The Joint Secretary, Central Board of Secondary Education and another Vs. Raj Kumar Mishra and others*, decided on 17.03.2025, wherein, the Hon'ble Supreme Court of India has held that even if a person is working under the direct supervision and control of a Principal Employer unless and until, there is an appointment order issued by the Principal Employer in favour of the workman or the salary was being paid by the Principal Employer directly to the Workman, it cannot be said that there exists a master and servant relationship between them. The relevant paragraph 7 of the said judgment is as under :-

*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. Learned counsel for the petitioner(s) has not been able to rebut the said settled principle of law.

9. Further, the impugned Award of the Labour Court can only be interfered with by the Court in case, the same is perverse to the evidence or the facts that have come on record. In the present petitions, learned counsel for the petitioner(s) has not been able to prove any perversity in the



impugned Award keeping in view the facts or the evidence which have come on record.

8. No ground is made out for any interference by this Court in the present petitions.

9. Dismissed.

10. Pending miscellaneous application, if any, also stands disposed of.

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

**May 05, 2025**  
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**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes*

*Whether reportable : No*