



**CWP-13444-2019 (O&M) & -1-
connected cases**

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

232 (04 cases)

**CWP-13444-2019 (O&M)
Date of Decision :07.05.2025**

Malkhan Singh

...Petitioner

Versus

**M/s Genesis Burson Marsteller Public Relations
Pvt. Limited and another**

...Respondents

CWP-15062-2019

Rajiv Kumar

...Petitioner

Versus

**M/s Genesis Burson Marsteller Public Relations
Pvt. Limited and another**

...Respondents

**CWP-2592-2020 (O&M)
Date of Decision :07.05.2025**

**M/s Genesis Burson Marsteller Public Relations
Pvt. Limited and another**

...Petitioner

Versus

**Presiding Officer, Industrial Tribunal-cum-Labour Court-I
Gurugram and another**

...Respondents

CWP-2602-2020 (O&M)



**CWP-13444-2019 (O&M) & -2-
connected cases**

**M/s Genesis Burson Marsteller Public Relations
Pvt. Limited and another**

...Petitioner

Versus

Malkhan Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashwani Bakshi, Advocate
for the petitioner(s) in CWP-13444-2019 & 15062-2019
and for respondent-workmen in CWPs-2592 & 2602 of 2020.

Mr. Aman Bahri, Advocate for petitioner(s)
in CWPs-2592 & 2602 of 2020 and for
respondent No.1 in CWP-13444-2019 & 15062-2019.

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Harsimran Singh Sethi, J. (Oral)

1. In the present bunch of four petitions, the details of which have been given in the heading, the challenge is to the same award dated 07.09.2018 (Annexure P/1) passed by the Industrial Tribunal-cum-Labour Court-I Gurugram by the workmen as well as the employer.

2. Learned counsel appearing for the workmen argues that the Labour Court even after holding that the services of the workmen were terminated in violation of provisions of Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act') the benefit of reinstatement in service has not been granted to the workmen and only lump sum compensation of Rs.1.25 lacs has been granted to the workmen by the Labour Court, which is arbitrary and illegal and therefore, the employer be directed to reinstate the workmen in service with continuity and back wages.



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connected cases**

3. Learned counsel appearing for the employer in order to challenge the impugned award dated 07.09.2018 contends that the workmen were working through the outsourcing agency and though, the summons were issued to the said outsourcing agency but as the proprietor of the said outsourcing agency unfortunately died before getting his statement recorded hence, there existed no master and servant relationship between the workmen and employer, which fact has been ignored by the Labour Court while passing the aforementioned impugned award and therefore, the impugned award may kindly be set aside.

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

5. While dealing with the contention raised by the employer, it may be noticed that no material evidence has been brought on record to show that the workmen was working through the outsourcing agency. Once, nobody appeared on behalf of the said outsourcing agency to support the said assertion, the finding recorded by the Labour Court that no material evidence has been brought on record to support the contention that workmen were working through the outsourcing agency, needs no interference at the hands of this Court as the said assertion has not been proved to be perverse either to the facts or evidence on record.

6. Further, the bills which were being relied upon by the employer, were much after the date of engagement of the workmen. Once, a specific date of engagement has been proved and on the said date, no such agreement existed between the employer and alleged outsourcing agency,



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the said bills have rightly been ignored by the Labour Court to hold that as there existed master and servant relationship between the workmen and the employer and the said finding needs no interference at the hands of this Court.

7. Now coming to the claim of the workmen that they should have been given the benefit of reinstatement in service with continuity and back wages.

8. It may be noticed that the workmen were working on the post of driver and the driver has to be a man of confidence, who has to ferry the employer. Once, there was a dispute, the driver cannot be put back to ferry the employer, who has lost faith in the said driver. Keeping in view the said fact, that benefit of compensation granted in favour of the workmen instead of benefit of reinstatement in service by the Labour Court in the facts and circumstances of the present case, cannot be treated as arbitrary and illegal.

9. Further grievance which is being raised by the workmen is qua the quantum of compensation as a sum of Rs.1.25 lacs has been awarded in favour of the workmen.

10. Keeping in view the salary which was being drawn by the workmen coupled with the number of years for which the workmen had worked with the employer, assessment of compensation to the tune of Rs.1.25 lacs by the Labour Court cannot be treated to be disproportionate in any manner so as to enhance the same.

11. No other argument has been raised.

12. Keeping in view the facts and circumstances recorded



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connected cases**

hereinbefore, all the writ petitions are dismissed.

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

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

May 07, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No