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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-857-2026(O&M)
Date of Decision: 20.04.2026

Sanjay Kumar

....Appellant(s)

Versus

The Presiding Officer and others

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Ms. Preeti Singh, Advocate,
for the appellant.

JASGURPREET SINGH PURI, J. (Oral)

CM-2136-LPA-2026

Prayer in this application is for condonation of delay of 65 days
in re-filing the appeal.

For the reasons mentioned in the application, the same is
allowed and the delay of 65 days in re-filing the appeal, is hereby condoned.

CM-2137-LPA-2026

Prayer in this application is for condonation of delay of 81 days
in filing the appeal.

Learned counsel for the applicant submitted that there was a
bona fide mistake on the part of the counsel, whereby it was thought that the
period of limitation for an intra-Court appeal was 90 days and it was because



of this reason that the delay has occurred, which was not intentional and should not prejudice the applicant in any manner.

After hearing the learned counsel for the applicant and considering the ground taken in the application, this Court deems it fit and proper to allow the application.

Consequently, the present application is allowed and the delay of 81 days in filing the appeal, is hereby condoned.

LPA-857-2026

1. The present is an intra-Court appeal filed by the appellant challenging the order dated 19.08.2025 passed by the learned Single Judge.
2. Learned counsel appearing on behalf of the appellant submitted that the appellant had filed a writ petition, whereby challenge was laid to the award dated 05.04.2016 (Annexure P-6), which was answered against the appellant. She submitted that it was a case that the appellant had been working in the respondent-department, which is a State Government Department, as a Worker but his services were terminated and the same was challenged before learned Labour Court. The award was answered against the appellant on the ground that the appellant was not able to establish master-servant relationship and no other evidence was shown by the appellant with regard to whether he had ever worked in the establishment or not. She further submitted that during the proceedings before the learned Labour Court, a co-worker, namely, Sombir had stepped into the witness box as WW-1 and had specifically stated that the appellant had been working with the respondent-department, which was sufficient enough to establish that he had been working in the department but the same was not accepted by the learned Labour Court or by the learned Single Bench. In this regard,

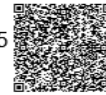


she also submitted that the onus was on the respondent-department to establish as to whether the appellant had worked with the department or not and in this regard, no such record was produced by the respondent-department and therefore, the judgment passed by the learned Single Judge is liable to be set aside.

3. We have heard the learned counsel for the appellant.

4. The primary reason for answering the reference against the appellant by the learned Labour Court and the consequent dismissal of the writ petition filed by the appellant by the learned Single Bench was that there was no iota of evidence to show that the appellant had worked in the respondent-establishment at any point of time nor was there any evidence to show that the appellant had received any remuneration or wages etc. by any method whatsoever. The only evidence which was relied upon by the learned counsel for the appellant was that one of the co-workers, namely, Sombir, who had stepped into the witness box as WW-1 had stated that the appellant had been working with the respondent-department. However, the learned Single Judge examined the aforesaid argument of the learned counsel for the appellant and analysed the same by observing that the cross-examination of the aforesaid witness, namely, Sombir rather demolished the case of the appellant as the aforesaid witness had categorically admitted that he had never seen the Junior Engineer concerned obtaining the signature of the appellant while making payment of wages to him and had further suggested in his cross-examination that the appellant was being paid wages monthly in his presence and that too in the form of cash.

5. The learned Single Judge also referred to the latest judgment of Hon'ble Supreme Court in *SLP (Civil) No.22030 of 2023*, titled "*The Joint*



Secretary, Central Board of Secondary Education and another versus Raj Kumar Mishra and another”, whereby it was observed and laid down that initially it is for the workman to establish that there exists a relationship of master and servant and that the workman has completed 240 days of service in the previous calendar year, which was absent in the present case.

6. In the present case, the appellant was not able to show any evidence whatsoever that there was any master-servant relationship between the appellant and the respondent-establishment at any point of time nor was any document produced at any stage to show that he had received any salary or wages. The oral testimony of one of the co-workers to the effect that he had seen the appellant taking cash after doing work was disbelieved and rightly so by both the learned Labour Court as well as the learned Single Judge. This Court is therefore of the considered view that in the absence of any iota of evidence pertaining to the master-servant relationship or of the appellant having worked at any stage or receipt of any wages or remuneration, the present appeal is devoid of any merit and the same is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

(ROHIT KAPOOR)
JUDGE

20.04.2026

rakesh

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No