

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C.) No. 3220/2008**
% **Date of Decision: 14th September, 2009**
SH. MOHINDER SINGH PETITIONER
! Through: Mr. Narain Bhatia, Advocate.

VERSUS

\$THE STATE OF NCT OF DELHI & ORS. RESPONDENTS
^ Through: Mr. K.S.Nishal for respondent No. 4.

CORAM:
Hon'ble MR. JUSTICE S.N. AGGARWAL

1. Whether reporters of Local paper may be allowed to see the judgment? **NO**
2. To be referred to the reporter or not? **NO**
3. Whether the judgment should be reported in the Digest? **NO**

S.N.AGGARWAL, J (ORAL)

The petitioner in this writ petition seeks to challenge an industrial award dated 20.12.2007 in ID No.817/06/03 by which he has been denied any relief for his alleged termination from the services by the management of the respondent w.e.f. 29.04.2002.

2 I have heard the arguments of the learned counsel for both parties and have also perused the record of the court below.

3 The court below, on the basis of cogent evidence discussed in the impugned award, has arrived at a conclusion that there was no relationship of employer and employee between the parties. I do not find any reason to interfere with the said finding of fact contained in the impugned award. It may be noted that the petitioner had raised an industrial dispute with regard to his alleged termination against the management of M/s Pramod Kumar & Company. This is evident from the

order of reference, a copy of which is at page 15 of the paper book. After the reference was made by the Government to the Labour Court, the petitioner filed a statement of claim against the management of M/s Chandhok & Mr. Pramod Kumar, A-83/5, Industrial Area, Wazirpur, Delhi-110052. The management of M/s Pramod Kumar & Company in its written statement filed to the statement of claim of the petitioner denied the relationship of employer and employee between the parties. It was stated by the management of M/s Pramod Kumar & Company in its written statement that to its knowledge the petitioner was working with Shree Girraj Rolling Mills operating from premises No. C-16/1, Wazirpur, Industrial Area, Delhi-110052 and according to the management of M/s Pramod Kumar & Company, the reference was bad for mis-joinder of parties.

4 The petitioner in his cross-examination admitted that there was no management in the name of M/s Chandhok and Mr. Pramod Kumar in existence. He further admitted that the management of M/s Pramod Kumar & Company is working at A-883/5, Wazirpur Industrial Area, Delhi. He also admitted that ESI card that was issued to him does not belong to M/s Pramod Kumar & Company. The petitioner candidly admitted in his cross-examination before the Labour Court that he had worked with M/s Girraj Rolling Mills at C-16/1, Wazirpur Industrial Area, Delhi and that the ESI card filed on record was issued to him by the said management. The cross-examination of the petitioner is at page 37 of the Labour Court file. The court below has taken all these admissions into account while concluding that there was no relationship of employer and employee between the parties and for that reason, rightly declined the relief to the petitioner.

5 In view of what has been stated above, I do not find any infirmity,

perversity or illegality in the impugned award that may call for an interference by this Court in exercise of its writ jurisdiction under Article 226 of the Constitution. This writ petition therefore fails and is hereby dismissed in limine. LCR be sent back forthwith.

**September 14, 2009,
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S.N.AGGARWAL, J