

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C.) No. 11923/2009**
% **Date of Decision: 24th September, 2009**
SHRI DEVENDER KUMAR PETITIONER
! Through: Ms. Rashmi B. Singh, Advocate
VERSUS
\$M/S BHARTI CELLULAR LTD. RESPONDENT
^ Through: Nemo.

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 27.05.2008 in ID No. 215/2006 granting him no relief for alleged termination of his service by the respondent. The court below has held in the impugned award that there was no relationship of employer and employee between the parties.

2 Heard on admission.

3 I have gone through the impugned award and on going through the same, I find that the court below has arrived at a conclusion that there was no relationship of employer and employee between the parties on the basis of cogent evidence discussed in the award. The petitioner in fact has admitted in his cross-examination that he was paid salary by cheque by M/s A.J. Distrubutor, Kirti Nagar. The petitioner had got only training for two days with the respondent and thereafter, he initially worked with M/s G.N.S. System, Janak Puri and thereafter with M/s Verma

Enterprises, Tilak Nagar and lastly with M/s A.J. Distributor, Kirti Nagar. Merely because the petitioner got training for two days with the respondent does not make him an employee of the respondent. The reliance placed by the petitioner on documents Ex. WW-1/1 and Ex. WW-1/2 is of no legal consequence because by these documents what the respondent had notified was incentives to the Foot on Street (FOS) Collector. The announcement of incentives for the Foot on Street Collector also does not make the petitioner employee of the respondent.

4 In view of what has been stated above, I do not find any 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.

SEPTEMBER 24, 2009
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S.N.AGGARWAL, J