

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			WPMS 3438/ 2024 <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Vinay Kumar, Advocate, for the petitioner. (2) In this writ petition, petitioner is challenging the award dated 6.5.2024, rendered by Labour Court, Dehradun. By the said award, learned Labour Court declared termination of service of respondent as unjust and illegal and directed for payment of compensation amounting to ₹1,50,000/- in lieu of the relief of reinstatement. Employer has challenged the said award on the ground that finding on issue no. 2 is perverse. English translation of issue no. 2 is as follows: <i>“Whether there is no relationship of master and servant between petitioner and respondent?”</i> (3) From perusal of impugned award, it is revealed that petitioner was asked to produce the muster roll in respect of casual/daily rated employees and also the vouchers regarding payment made to the casual employees. Since petitioner did not produce the register as well as vouchers, therefore, an adverse inference was drawn against the petitioner. Learned Labour Court has also considered the statement made by regular employees serving in the petitioner establishment, namely, Mr.

			Diwakar Prasad Dangwal and Mr. Prashant Dhyani, both serving as Junior Engineer, for arriving at the conclusion that respondent was employed with the petitioner. (4) Learned Counsel for the petitioner submits that the finding on the question of master-servant relationship is erroneous, therefore the award deserves to be set aside. (5) This Court is not impressed by the said submission. Since the finding on issue no. 2 is a finding of fact, therefore, this Court is not inclined to go into the question as to whether that finding is correct or not. Law is well settled that this Court in its supervisory jurisdiction under Article 227 of the Constitution does not act as an appellate court. The scope of powers available to this Court under Article 227 of the Constitution of India was considered and discussed by Hon'ble Supreme Court in the case of <i>Sadhana Lodh v. National Insurance Co. Ltd. & Another</i>, reported as (2003) 3 SCC 524, wherein it was held as under: <i>“7. The supervisory jurisdiction conferred on the High Courts under Article 227 of the Constitution is confined only to see whether an inferior court or tribunal has proceeded within its parameters and not to correct an error apparent on the face of the record, much less of an error of law. In exercising the supervisory power under Article 227 of the Constitution, the High Court does not act as an appellate court or the tribunal. It is also not permissible to a High Court</i>
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			<i>on a petition filed under Article 227 of the Constitution to review or reweigh the evidence upon which the inferior court or tribunal purports to have passed the order or to correct errors of law in the decision.”</i> (6) In view of the legal position as discussed above, there is no scope for interference in the matter. Consequently, writ petition fails and is dismissed. (Manoj Kumar Tiwari, J.) 30.12.2024 Pr
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