

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4339 OF 2012

Dhanraj Mahadeo Chakre
C/o. Prakash Kamble
AL-3/35/2, Godavi Housing
Society, Sector-19, Airoli,
Navi Mumbai-400 708.

.. Petitioner.

V/s

Mahatma Phule Backward Class,
Development Corporation Ltd
Juhu Supreme Shopping Center
Gulmohar Cross Road No.9,
J.V.P.D. Schme Juhu, Mumbai-400 048

.. Respondent.

Ms. S.N. Dhabhadkar, for Petitioner.
Mr. S.P. Munghate, for Respondent.

Coram : Smt. R.P SondurBaldota, J.

Date : 25th March, 2015

P.C. :

1. This writ petition challenge the order dated 10th June, 2009 passed by the Labour Court in Reference (IDA) No.207 of 2007. By the impugned order, the reference is dismissed holding that the petitioner has failed to establish employer and employee relationship.
2. The facts alleged by the petitioner stated in brief are as

follows:

The petitioner was working as a Clerk with the respondent from 10th February, 1998 till 31st January, 1999 on daily wages of Rs.78/- per day. He has continuously worked for 11 months without obstruction. On 31st January, 1999, the respondent illegally terminated his services. Thereafter, the petitioner approached the Deputy Commissioner of Labour, Mumbai for conciliation for reinstatement, payment of back wages and continuity of service. The Deputy Commissioner of Labour referred the matter for adjudication of the Court.

3. The respondent Corporation contested the reference contending that the petitioner was not its employee and that he had been engaged for limited period on daily wages in connection with the work of survey undertaken by the respondent, the report of which was to be submitted to the Government. According to the respondent on completion of work of survey, services of the petitioner automatically came to an end. The Labour Court held that the petitioner had admitted in clear term in cross examination that he was working on daily wages of Rs.78/- per day since 10th February, 1998. Further in his examination in chief itself he admits that his so

called employment was a contract employment. Thus the petitioner's own evidence establishes that he was not a regular employee. Hence, petition is dismissed.

(Smt. R.P. SondurBaldota, J.)