

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 14977 of 2015
Date of decision : July 27, 2015

Sh. Raj Kumar

..... Petitioner

Versus

**Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak
and others**

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. A. P. Setia, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

The challenge in the present writ petition is to the order dated 20.3.2015 (Annexure P-15) whereby the reference viz-a-viz the alleged termination has been answered against the petitioner.

Mr. A. P. Setia, learned counsel appearing on behalf of the petitioner submits that the Labour Court has committed illegality and perversity in rendering a finding that the petitioner was not an employee of the Management but of a private contractor whereas on the contrary documents Ex. WW5-A to WW5-C proved on record shows that the petitioner has worked as a driver with the Management w.e.f 4.12.2006 to 22.2.2007 i.e. for three months. He further submits that the Management did not even plead the

aforementioned factum that the petitioner was never their employee. Whereas, it has been proved that he had been employee of the Management though for a period of three months.

Assuming for an argument sake, not disputing that the workman had been an employee of the Management but it was only for a period of three months, even then, he could not have sought reference for the reason that he did not complete 240 days in a relevant year. The workman even did not move any application seeking production of salary register to contend that the salary was being paid by the Management instead of the Contractor as sought to be projected by the Management. Issuance of a gate pass would not give him a status of a workman/employee of the Management.

The arguments noticed above, are wholly misconceived. Resultantly, the writ petition is dismissed.

(AMIT RAWAL)
JUDGE

July 27 , 2015
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