

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 6812 of 2012

Date of decision : July 20, 2015

Ram Niwas

..... Petitioner

Versus

**The Principal Chief Conservator, Forest Department, Haryana
and others**

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Tara Chand Dhanwal, Advocate
for the petitioner.

Mr. Hitesh Pandit, Additional Advocate
General, Haryana.

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 award dated 10.6.2011 (Annexure P-17) whereby reference has been answered against the petitioner.

Learned counsel for the petitioner submits that the petitioner was appointed on 1.10.2004 and his services were terminated on 30.11.2006. In essence, he worked for two years and the Management without resorting to the provisions of Section 25-F of the Industrial Disputes Act, 1947 terminated his services and the Labour Court had not examined the aforementioned aspect and rather embarked on a different path by holding that the petitioner had

only worked as a Contractor and not as an employee.

Learned counsel for the State submits that in pursuance to the application moved by the petitioner the Management produced the record and as per the record i.e. quotations it has been inexplicably proved that the petitioner had been supplying sand and on some occasions labourer for planting saplings and therefore he cannot be termed to be an employee of the Management.

I have heard learned counsel for the parties and appraised the paper book.

On perusal of the quotations, it is ex facie proved that the petitioner, at some occasions had undertaken to supply sand and material to various departments and all the quotations bear thumb impressions of the petitioner. The petitioner has failed to disbelieve the aforementioned documents by examining the hand writing expert. In the absence of such evidence, the Labour Court was left with no other option but to accept the documents per se. Even the witnesses examined have categorically stated that though the petitioner had worked with the Management, not as an employee but as a contractor, therefore, the question of terminating the services did not arise.

The Labour Court after examining the aforementioned documents has come to a categoric finding that the works were executed by the petitioner in the month of September and October, 2006. The petitioner was paid consolidated amount of ₹18,350/- and ₹2070/-. The said amount of payment cannot be

termed to be an arrears of salary, much less as a salary.

The finding rendered by the Labour Court is based on fact and law after appreciation of oral and documentary evidence. I do not find any illegality or perversity in the award of the Labour Court. The claim of the petitioner is wholly misconceived.

There is no merit in the writ petition. Accordingly, the writ petition is dismissed.

**(AMIT RAWAL)
JUDGE**

**July 20 , 2015
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