

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No. 28651 of 2013
Date of decision: 09.02.2015**

Dhir Singh

...Petitioner

V/s.

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

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA.

Present: Mr. Devender Punia, Advocate for the petitioner.

Mr. B.L. Gupta, Advocate for respondents No. 2 and 3.

RAJIV NARAIN RAINA, J. (Oral).

In the face of offer of contract and its acceptance and employment relationship such as that of employer-employee/master-servant did not arise between the petitioner and the University and having examined exhibits M-2 and M-3 which are offer and acceptance, then at best, the relationship between the parties was contractual and voluntarily entered by the petitioner. In M-3, which is a letter of the petitioner addressed to the University, he accepts “*the kedari par kam kar sakta hoon*”. The offer was accepted on 01.11.1993 and the assignment as cycle- helper was offered and taken up by the petitioner. Thereafter, he served for 9 years on Campus School, M.D. University, Rohtak, looking after the cycle shed. He did not acquire industrial rights provided by the Industrial Disputes Act, 1947. Still further, the Principal, Campus School, M.D. University, Rohtak, Sh. S.S. Arya appeared in the witness box as MW-1 and deposed that applications were invited by the school from interested persons to look after the cycle stand of the school on a monthly consolidated amount charged from

students for the safety of their bi-cycles. The petitioner was the lowest bidder at Rs. 700 per month which was accepted. The Labour Court has refused to interfere or grant relief to the petitioner for good and sufficient reasons, after appreciating the evidence on record. The view taken by the Labour Court is legal and valid and does not suffer from any of the vices that this Court in exercise of its extraordinary jurisdiction under Articles 226/227 of the Constitution would interfere with the award of the Tribunal. Findings of facts on evidence adduced by the respective parties are not open ordinarily to judicial review provided in the discretionary and special remedy under the aforesaid provisions of the Constitution of India.

Consequently, this petition fails and is dismissed.

February 09, 2015
Divyanshi

(RAJIV NARAIN RAINA)
JUDGE