

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

LPA No. 1230 of 2015 (O&M)

DATE OF DECISION : 21.08.02015

Ram Sewak

.... APPELLANT

Versus

Head Master, Govt. Model High School, Sector 26, Chandigarh and another
.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Ms. Sonia G. Singh, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 09.07.2014 passed by the learned Single Judge, whereby the writ petition (CWP No. 12932 of 2014) filed by the appellant challenging the Award dated 09.10.2013 (Annexure P-1) rendered by the Labour Court, Chandigarh, declining the reference and answering the same against the appellant, has been dismissed.

Though there is delay of 279 days in filing and delay of 42 days in re-filing the instant appeal, and the appellant has filed separate applications (CM Nos. 2626-27-LPA of 2015) for condoning the said delay, yet we have heard learned counsel for the appellant on merits and have gone through the impugned order passed by the learned Single Judge as well as

the Award of the Labour Court.

In the present case, the Labour Court declined the reference while recording a positive finding of fact, which has been affirmed by the learned Single Judge, that the workman (appellant) failed to prove the relationship of employee and the employer between him and the Management.

Learned counsel for the appellant has tried to assail the said finding of fact on the ground that the appellant was employed by the Headmaster of the School, being run by the Union Territory Administration, but there is no evidence to this effect. As per the evidence available on record and the finding of fact recorded by the Labour Court, the appellant was employed by the Parent Teachers Association and he was being paid salary from the funds of the Association. Neither any reference was made against the said Association nor it was impleaded as party before the Labour Court. Thus, in view of the finding of fact recorded by the Labour Court, which is based upon the documentary evidence, we do not find any ground to interfere in the impugned order passed by the learned Single Judge affirming the Award of the Labour Court.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

August 21, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE