

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

LPA No. 521 of 2015 (O&M)

DATE OF DECISION : 17.11.2015

Dhir Singh

.... APPELLANT

Versus

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

.... RESPONDENTS

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

HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present : Mr. R.S. Rana, Advocate,
for the appellant.

* * *

SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 09.02.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 28651 of 2013) filed by the appellant challenging the award dated 04.12.2012 (Annexure P-5) rendered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak, deciding the reference against him, has been dismissed.

Though there is delay of 8 days in filing the appeal and the appellant has filed application (CM No. 1056-LPA of 2015) for condoning the said delay, yet we have heard learned counsel for the appellant on merits and have gone through the award of the Labour Court as well as the impugned order passed by the learned Single Judge.

In this case, the Labour Court as well as the learned Single Judge have recorded a pure finding of fact that the appellant has failed to prove that he was an employee of the respondent University. Rather, it has come on record that the appellant worked as a contractor and he was paid the amount accordingly. This finding of fact is further corroborated by certain documents, which have been placed on record by the appellant himself vide CM No. 1623-LPA of 2015. In these documents, it has been clearly recorded that the appellant has been paid towards monthly contract for looking after cycle stand in the School Campus of the respondent University.

In view of the above finding of facts, we do not find any ground to interfere with the impugned order passed by the learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

November 17, 2015
ndj

(SHEKHER DHAWAN)
JUDGE