

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

WRIT PETITION NO. 9716 OF 2015

Mr. Gajraj K. Sharma.

... Petitioner.

V/s.

M/s. Alfa Laval India Ltd. and Ors.

... Respondents.

Ms. Anjali S. Ranade for the Petitioner.

None for the Respondents.

CORAM : N.M. JAMDAR, J.

DATE : 1 FEBRUARY, 2016.

P.C. :-

The Petitioner challenges the order passed by the Labour Court, Pune dated 4 September 2012 answering the Reference in negative.

2. The Deputy Commissioner of Labour, Pune referred the dispute of the Petitioner for adjudication. In the statement of claim the Petitioner contended that no retrenchment compensation was paid by Respondent No.1 which Respondent No.1 was liable to pay and hence, the termination was illegal. It is stated that the Petitioner was employed as a driver and on 1 August 2005, his

services were orally terminated. He contended that the junior drivers are still retained in service and specifically pleaded that it is the Respondent No.1 who has illegally terminated his services. No other particulars were given in the statement of claim though Respondent No.2, a contractor was made party.

3. In the cross examination the Petitioner accepted that he was working through a contractor. The Labour Court considered the evidence on record and observed that as per the documentary evidence, the salary of the Petitioner was being paid by one Small Security Services. The Small Security Services is not made party to the Reference and accordingly, the Labour Court negated the case of the Petitioner.

4. I have heard the learned Counsel for the Petitioner. The Labour Court has recorded a finding of fact that the Petitioner was working with one Small Security Services and no employer employee relationship was established between the Petitioner and Respondent Nos.1 and 2. The witness examined by the Respondents and specifically deposition regarding the employment of the Petitioner with Small Security Services. Nothing is shaken in this cross-examination. Since the Labour Court found that the Petitioner was not working with Respondent Nos.1 and 2 but was working with one Small Security Services who was not made party to the reference, no relief could be granted to the Petitioner. Nothing is shown as to how conclusion of the Labour Court is

perverse. The attendance register of Small Security Services was duly exhibited which clearly showed the Petitioner was working with the Small Security Services Ltd.

5. In the circumstances, no error is found in the impugned order passed by the Labour Court. The Writ Petition is accordingly rejected.

(N.M. JAMDAR, J.)