

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5506 of 2011

Date of Decision:- 11.08.2016.

Daryab Singh

.....Petitioner

Versus

M/s S.A. Auto Ltd. and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Ashok Bhardwaj, Advocate for the petitioner.

Mr. Shiv Kumar, Advocate for respondent No.1.

P.B. BAJANTHRI, J. (Oral)

1.) The petitioner has questioned the award dated 10.03.2010 (P-4). The petitioner is stated to have been appointed on 10.07.1998 as a Helper with the respondent-Company. His services were stated to have been terminated on 24.5.1999. Thereafter, he raised an industrial dispute. On 10.03.2010, Labour Court-II, Faridabad declined to grant any relief to the petitioner.

2.) Learned counsel for the petitioner submitted that the respondent-Company have disputed the existence of employer-employee relationship among the petitioner and the first respondent. Based on the said submission, Labour Court declined to grant any relief to the petitioner.

Learned counsel for the petitioner relies on Annexures P-5 to P-6 - certain documents relating to correspondence within the respondent-Company. In

those correspondence, name of the petitioner is reflected which is evident that there is a relationship between employee and employer. Thus, the Labour Court has erred in not considering documents produced by the petitioner marked as 1 to 40. That apart, petitioner summoned the Management witnesses for the purpose of adducing evidence but they have not come forward to adduce evidence before the Labour Court. Therefore, award dated 10.03.2010 is liable to be set aside.

3.) On the other hand, learned counsel for the first respondent submitted that there were no documents to show that there is a relationship of employer and employee for the reasons that the respondent-Management have maintained various documents which have been extracted in the award in para 7 like copy of return file, copy of wages register, copy of factory licence, copy of attendance register, copy of Employees State Insurance Corporation, copy of inspection under various labour laws and copy of attendance register. In these documents, name of the petitioner is not reflected. Therefore, rightly, the Labour Court has declined to grant any relief to the petitioner for want of existence of relationship between employee and employer. Thus, there is no infirmity in the award.

4.) Heard learned counsel for the parties.

5.) Learned counsel for the petitioner relied upon Annexures P-5 to P-6 which are relating to overtime slips stated to be maintained by the Management-respondent. These documents were placed before the Labour Court. The same has not been taken note for the reasons that those documents are not available with the Management. Petitioner is not in a position to state how he got these documents. When it was ascertained, it

Management used to give xerox copy of the overtime slip. The same has been disputed by the respondents contending that none of the persons whose names are reflected in Annexure P-5 are working with the Management. Perusal of the attendance register from July 1998 to 24.5.1999, the date on which the petitioner is stated to have been terminated, it is evident that his name is not incorporate or reflected during the aforesaid period. Therefore, there is no infirmity in the award dated 10.03.2010.

6.) Petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

August 11, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.