

116

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

CWP No.62 of 2016

Date of decision: January 27, 2016

Laljeet

.....Petitioner

Versus

The Presiding Officer and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of certiorari challenging the order dated 08.05.2015 (Annexure P-1), whereby, application moved by the petitioner under Section 33C(2) of the Industrial Disputes Act, 1947 ('Act' for short), was dismissed.

The case of the petitioner, in brief, was that he had worked with the respondent-Management as Overlook Operator from 16.05.2011 to 19.08.2011. However, petitioner had not been paid his wages for the said period amounting to ₹31,927/-. It was further prayed that the petitioner had also not been paid overtime allowance to the tune of ₹46,200/-. Thus, the petitioner sought recovery of ₹78,127/- from the respondent.

Respondent No.2 in its written statement denied

the relationship of employee and employer between the parties.

Respondent No.3 had failed to appear despite service and he was proceeded *ex parte*.

On the pleadings of the parties, following issues were framed by the Industrial Tribunal-cum-Labour Court:-

- “1. Whether the petitioner is entitled to recovery of disputed amount besides interest from the respondents on the grounds taken in the petitioner?OPP
2. Whether the petition is not maintainable in the present form?OPM
3. Relief?”

Parties led their evidence in support of their respective pleas.

The Industrial Tribunal-cum-Labour court vide order dated 08.05.2015 dismissed the application moved by the petitioner. Hence, the present petition by the petitioner.

Learned counsel for the petitioner has submitted that in fact, the petitioner had worked with the respondent from 16.05.2011 to 19.08.2011 as Overlook Operator, but he had not been paid his wages and overtime allowance for the said period.

Petitioner while appearing in the witness-box as PW1 deposed as per the contents of his claim. Respondent No.2, on the other hand had denied the relationship of employee and employer between the parties. Petitioner failed to proved on record any document to the effect that he had

served the respondents No.2 and 3 from 16.05.2011 to 19.08.2011 as alleged by him. Petitioner had only proved on record application submitted by him to Labour-cum-Conciliation Officer and photocopy of gate pass. However, the said gate pass did not bear the name of any Workman including the petitioner. Thus, the petitioner had failed to prove that he had worked with respondents No.2 and 3 for the period in question. The learned Tribunal-cum-Labour Court had thus, rightly dismissed the application moved by the petitioner under Section 33C(2) of the Act.

No ground for interference by this Court while exercising jurisdiction under Article 226 of the Constitution of India, is made out.

Dismissed.

**(SABINA)
JUDGE**

January 27, 2016
mahavir