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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9208/2014 & CM No.20925/2014**

M/S JINDAL ALUMINIUM LTD. Petitioner
Through: Mr. Kiran Singh, Advocate.

Versus

ANAND PRAKASH SHARMA & ORS. Respondents
Through: Mr. Rajat Sharma, Advocate for
Respondent No.1.
Mr. Aditya Vardhan, Advocate for
Respondent No.2.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **29.09.2016**

Pursuant to an advertisement dated 26.05.2010 published in 'The Times of India', the Sitaram Jindal Foundation invited applications for the appointment of Secretary General for its proposed project of 'Prize Scheme' of international standards. Respondent No.1 was interviewed and was appointed by the Jindal Naturecure Institute, Jindal Nagar, Tumkur Road, Bangalore 560073, on probation for a period of six months w.e.f. 30.07.2010. He had filed a claim before the Competent Authority in Delhi under the Delhi Shops and Establishment Act, 1954 against the petitioner for getting back wages, this was contested by the petitioner because the aforesaid letter of appointment dated 30.07.2010 was issued by the Jindal Naturecure Institute and not by the petitioner. The impugned order in favour

of respondent No.1 has held that respondent No.2 is a sister concern of the petitioner corporation.

The learned counsel for respondent No.1 is unable to show that the said respondent was employed with the petitioner. At best, respondent No.1 refers to a letter dated 28.07.2010 by the petitioner which only states that respondent No.1, who was travelling by Bangalore Rajdhani Express, was given a gunny carton/ some stationery. The said document (at page No. 78 of the writ petition) does not show that respondent No.1 was an employee of the petitioner. At best, respondent No.1 can be assumed to either be the recipient of the said stationery or acting as a courier for somebody. The Court notes that the aforesaid letter dated 28.07.2010 relied upon by respondent No.1 was inscribed even prior to his appointment on probation only on 30.07.2010. Quite clearly respondent No.1 was never employed by the petitioner herein.

The provisions of the Delhi Shops and Establishment Act, 1954 would not be applicable to the present case. Those proceedings were without jurisdiction and are accordingly quashed. The impugned order dated 30.10.2014 is set aside.

The money deposited in the Court shall be refunded to the petitioner alongwith such interest as may be accrued thereon.

The writ petition alongwith pending application stands disposed off in the above terms.

NAJMI WAZIRI, J.

SEPTEMBER 29, 2016

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