

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1.

CWP No.4896 of 2013

Date of Decision: 18.01.2017

Roze Khan

...Petitioner

Vs.

Industrial Tribunal-cum-Labour Court, Gurgaon & Another

...Respondents

2.

CWP No.11601 of 2013

Date of Decision: 18.01.2017

Market Committee Punhana Distt. Nuh

...Petitioner

Vs.

Industrial Tribunal-cum-Labour Court, Gurgaon & Another

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present:- Mr. Satish Chaudhary, Advocate
for the petitioner.

Mr. Padamkant Dwivedi, Advocate
for respondent No.2.

RAJIV NARAIN RAINA, J. (Oral)

This order will dispose of CWP No. 4896 of 2013 titled as “*Roze Khan V. Industrial Tribunal-cum-Labour Court & another*” and CWP No. 11601 of 2013 titled as “*Market Committee Punhana Distt. Nuh v. Industrial Tribunal-cum-Labour Court*” as they are cross writ against the same Award.

Having heard the learned counsel for the parties at length, this court is convinced that there was no contract of service but a contract for

service between the parties. Therefore, the Labour Court Award is not sustainable in law and it is set aside. However, setting aside of the Award would not mean that the amount of ₹25,000/- is not to be paid to the petitioner No.1. It will not be treated as compensation but only as costs of litigation payable by the Municipal Council/Market Committee/Punhana. There is no direct evidence establishing employment status between the parties. Petitioner was engaged only to collect garbage from the shops in the Market Committee on his own bullock cart for disposal. He used to work for half an hour every day helping to keep the Market Committee clean and green.

No orders are required to be passed in the connected writ petition filed by the Management in view of the orders passed in the instant case.

Disposed of in above terms.

(RAJIV NARAIN RAINA)
JUDGE

18.01.2017
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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No