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

+ W.P.(C) 538/2017

RAKESH SINGH Petitioner
Through Mr. Suman Kumar Jha, Advocate

versus

M/S UPWAN INTERNATIONAL PVT. LTD. & ANR.. Respondents
Through None

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **11.07.2017**

By the instant petition, the petitioner assails the impugned award dated 9.9.2016 in LIR No. 730/16 of the Labour Court, KKD, Delhi vide which the workman i.e. the present petitioner was held not entitled to any relief in relation to the reference by the Labour Court, Govt of NCT of Delhi vide order No. F.24 (362)/Lab./SD/2013/17474 dated 3.9.2013. The terms of reference having been made are as under:-

“Whether the workman Sh. Rakesh Singh, S/o Sh. Ram Ujagir Singh has unauthorisedly absenting from his duties on his own or his services have been terminated illegally and/or unjustifiably by the management; and if so, to what relief is he entitled and what directions are necessary in this respect.”

The impugned award indicates that issues were framed on

17.12.2014 to the effect

- “1. Whether the claimant has himself remained absent from duty unauthorizedly after 23.04.13 and thus abandoned the service?*
- 2. Whether the services of workman has been terminated illegally and unjustifiably?*
- 3. Relief.*

In relation to issue no.1, Whether the claimant had himself remained absent from duty unauthorizedly after 23.4.2013 and thus abandoned the service”, the onus had been laid on the management to prove the fact that the workman had abandoned the services of his own and the evidence led on the record indicates that the workman had in his deposition stated that he had joined the management on 23.4.2013 after expiry of leave and worked till noon but thereafter he was terminated from service after beating him but he made no complaint to the police in relation thereto and the workman also did not examine any of his witnesses in support of his contention. Significantly, the workman also admitted that he was not issued any termination letter by the management. Vide the impugned award, it was held that issue no.1 had been decided against the workman.

Qua issue no.2 framed in relation to the aspect whether the services of the workman were terminated illegally and/or unjustifiably, the evidence led on the record indicated that the workman himself has admitted during his cross examination that he had received letters of the management dated 3.5.2013 and 13.5.2013 directing him to join duties but he did not return to resume his duties. In these circumstances, as rightly held by the impugned award dated

9.9.2016, the petitioner is not entitled to any relief.

The petition is dismissed.

ANU MALHOTRA, J

JULY 11, 2017

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