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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7191/2003

PHOOL SINGH

..... Petitioner

Through None.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through None.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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09.11.2017

1. None is present for the parties. The present writ petition assails award dated 10.04.2003 passed by the Labour Court, Delhi whereby the Labour Court has decided the reference against the petitioner-workman. The petitioner-workman who had claimed to have been appointed as a Security Guard by the respondent No.2-Sir Gangaram Hospital had raised the industrial dispute after his services had come to an end on 23.07.1992 upon closure of the business by respondent No.3-M/s. Rama Security Service which was providing security services to respondent No.2.

2. Before the Labour Court, while the respondents had contended that the petitioner had been employed by respondent No.3 i.e. M/s. Rama Security Service and on the other hand the claim of the petitioner was that, he was an employee of Sir Ganga Ram Hospital and he had been illegally terminated w.e.f. 23.07.1992.

3. The record shows that before the Labour Court, the respondent No.2 i.e. Sir Gangaram Hospital had tendered documents including

agreements with the security agency i.e. respondent No.3 as well as the bills raised by the agency. The stand of respondent No.3, before the Labour Court was that though the petitioner had been employed by it, but upon a decision taken by its management to close down its business for providing security services, a closure notice dated 24.06.1992 had been given to all its employees including the petitioner. It was further contended that pursuant to the notice dated 24.06.1992, the business of providing security services was closed by respondent No.3 on 23.07.1992 and accordingly, the petitioner had received full and final payment from it on 24.07.1992.

4. The Labour Court, upon consideration of the pleadings of the parties, the evidence led before it, came to the conclusion that there was nothing to show that the petitioner was ever an employee of respondent No.2-hospital and since he himself was denying, as being an employee of the respondent No.3-agency, he was not entitled to any relief from any of the respondents.

5. Having examined the award as well as the cross-examination of the petitioner which has been placed on record, it become apparent that even as per petitioner, the services of all the Security Guards had been terminated on the same date and upon termination of his duties, the petitioner was paid up-to-date salary against proper receipt.

6. In these circumstances, I find no infirmity in the award passed by the Labour Court. However, since none has appeared for the parties, the petition is dismissed in default.

REKHA PALLI, J

NOVEMBER 09, 2017/gm