

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 17594 of 2018

Date of Decision: 20.07.2018

ESIC Medical College and Hospital

... Petitioner(s)

Versus

Naresh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. Anil Shukla, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition is challenge to the award dated 05.12.2017 (Annexure P4), passed by the learned Presiding Officer, Industrial Tribunal-cum-Labour Court-I, Faridabad (hereinafter referred to as “learned Tribunal”) whereby respondent No.1 was awarded reinstatement with continuity of service and 50% back wages from the date of termination till his reinstatement.

Learned counsel for the petitioner, while challenging the impugned award, contended that infact respondent No.1 was not working with the petitioner-management, rather he was working with the contractor i.e. respondent No.2 as the contract was awarded to it to provide nursing and para-medical staff.

As per material and evidence available on the file and the observations having been made by learned Tribunal, there is nothing

available on file by way of evidence that infact respondent no.1 was working under the contractor i.e. respondent No.2 and in absence of that, there cannot be any presumption that infact respondent No.1 was working with respondent No.2 and his serves were availed by the petitioner-management through the contractor.

In view of above, present writ petition is without merits and the same stands dismissed.

(Shekher Dhawan)
Judge

July 20, 2018
“DK”

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No