

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No. 1540 of 2015 (O&M)

Date of Decision: 23.10.2018

Ram Bhateri

.....Appellant

Versus

Presiding Officer Industrial Tribunal-cum-Labour Court, Gurgaon, Haryana and
others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL, JUDGE
HON'BLE MR. JUSTICE AVNEESH JHINGAN, JUDGE**

Present: Mr. Aazam Khan, Advocate for
Mr. Mohammad Arshad, Advocate
for the appellant.

Mr. Randhir Singh, Addl. AG Haryana.

AVNEESH JHINGAL, J.

This intra-court appeal is against the order dated 07.04.2015 passed
by learned Single Judge in Civil Writ Petition No. 2906 of 2015 (for brevity 'the
writ petition')

2. The writ petition was filed challenging the award of Industrial
Tribunal-cum-Labour Court-1, Gurgaon, (for short 'the Tribunal') dated
01.10.2010. The claim for reinstatement along with consequential relief was
declined.

3. The claim of the appellant was that he was appointed as Mali on
06.08.2003. She was drawing a salary of Rs.2700/- per month when her services
were illegally brought to an end on 06.08.2007. The grievance was that her
services were terminated in breach of provisions of Section 25-F, 25-G and
25-H of the Industrial Disputes Act, 1947 (for short 'the Act'). The respondents
in defence denied the relationship of employer and employee. The Tribunal

vide award dated 01.10.2010 held that it was not proved that the workman had

completed 240 days in a calendar year preceding her date of termination. Further, it was held that there is no evidence to prove that workman was actually employed by the Management. The said order was not interfered with while exercising jurisdiction under Article 226 of the Constitution of India.

4. Aggrieved of dismissal of writ petition, Letter Patent Appeal has been filed.

5. Learned counsel for the appellant contended that the learned Single Judge, erred in not considering the fact that appellant had worked from 06.08.2003 to 06.08.2007. He argued that the facts of the case have not been considered while dismissing the writ petition.

6. Learned counsel for the respondents defended the order of learned Single Judge.

7. Learned Single Judge, dismissed the writ petition as there was delay of four and half years in challenging the award of the Labour Court. The award of 2010 was challenged by filing a writ petition in 2015. The appellant failed to adduce any evidence either before the Tribunal or in the High Court to substantiate her claim. No letter of appointment, identity card, ESI Card, PF slip etc, was brought on record. Moreover, she in her cross-examination stated that she possessed no document to show that she was employed with the management.

8. Considering the facts and circumstances of the case and the arguments of both the parties, no error is found in order of learned Single Judge.

9. Hence, the appeal is dismissed.

(AJAY KUMAR MITTAL)
JUDGE

23.10.2018

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No