

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA-1130-2018 (O&M)

Date of decision:- 29.10.2018

Naresh Kumar

...Appellant

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour
Court, Hisar, Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Kamal Sharma, Advocate,
for the appellant.

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KRISHNA MURARI, C.J. (ORAL)

CM-3030-LPA-2018

For the reasons mentioned in the application, the
delay of 38 days in re-filing the appeal is condoned.

The application stands disposed of.

LPA-1130-2018

This appeal under clause X of the Letters Patent has
been filed by the appellant-workman (petitioner therein)
challenging the order and judgement dated 07.02.2018 passed by
learned Single Judge dismissing the writ petition against the
award dated 03.01.2014 made by the Labour Court.

2. Admittedly, the Labour Court passed an award
rejecting the claim of the appellant on the ground that he had
failed to establish the factum of his appointment by
respondent No. 2 on the post of Chowkidar as claimed by him. A
further finding has been recorded that the photocopy of the
attendance register produced by him to substantiate his claim

otherwise attendance of the employees was being recorded by designation, namely, Helper and Chowkidar and his name was added below Chowkidar. It is also pertinent to point out that against his name not even attendance is marked.

3. While dismissing the claim, Labour Court has also returned a finding that in statement-in-chief it was stated that his appointment was made by respondent No. 2 vide order dated 29.03.2011 which stands falsified by his cross-examination where he stated that no appointment letter was issued to him and he was appointed verbally.

4. Learned Single Judge finding that there was no material on record before the Labour Court to establish that he was appointed by Executive Engineer and, thus, there existed no relationship of employee and employer, therefore, declined to interfere with the award of the Labour Court. We do not find any illegality or infirmity in the orders of the Labour Court and the learned Single Judge dismissing the writ petition and, thus, no interference is called for.

5. The appeal is devoid of merits and accordingly stands dismissed in limine.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

29.10.2018
Amodh

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