

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

**LPA No.723 of 2018
Date of Decision :12.07.2018**

Rishi Lal

.....Appellant

Versus

**The Presiding Officer, Industrial Tribunal-cum-Labour Court, Panipat
and others**

..... Respondents

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

Present : Ms. Swati, Advocate for
Mr. T.P.S.Bhatti, Advocate for the appellant.

ARUN PALLI, J. (Oral):

This is an *intra court* appeal under clause-X of the Letters Patent, against the order and judgment dated 19.12.2017, passed by the learned Single Judge, vide which, the writ petition preferred by the appellant, against the award dated 14.03.2016, passed by the Labour Court, had since been dismissed.

In brief, the case set out by the appellant has been that he was employed as Part time Sweeper-cum-Chowkidar in Education Department on 12.01.2011. He was drawing monthly salary at the rate of Rs. 1500/-, when his services were abruptly brought to an end on 6.12.2012. For, the respondents neither afforded any notice nor paid any retrenchment compensation while terminating his services, thus, his termination was invalid.

In defence, the respondents denied the relationship of employer and employee between the parties and pleaded that appellant never worked with the respondents.

On a consideration of the matter and the evidence on record the Labour Court reached a conclusion that the workman had examined Jagbir Singh, Clerk (WW1), who brought the summoned record of the appellant. He produced the attendance record (Ex.AW1/1 to Ex.AW1/102). As also the payment register (Ex.AW1/103 to Ex. AW1/152). However, he conceded in his cross-examination that the name of the appellant did not find mention in the summoned record. Further, the appellant had not worked with the respondents even for a single day nor he was ever paid any wages. On the contrary, the respondents examined Veena Saluja (MW1), who testified in her deposition that the appellant was never appointed by the respondents-department. Although, the appellant had produced an experience certificate (Ex.WW1/C), in support of his claim, but he conceded in his cross-examination that the said document was got typed by him and was signed by the Sarpanch of the village. Meaning thereby, the said certificate was neither signed by the Principal nor by any other officer of the respondents-school. The appellant failed to produce any appointment letter, pay slip or any other documents, to prove that he was ever in the employment of the respondents.

That being so, the only and the inevitable conclusion the Labour Court could reach was to answer the reference against the appellant. On a consideration of the above position, the learned Single Judge affirmed the award rendered by the Labour Court and dismissed the writ petition.

On being pointedly asked, learned counsel for the appellant could not refer to anything on record to show if the conclusion arrived at by the Labour Court as also the learned Single Judge was either contrary to the record or suffered from any material illegality.

Thus, the appeal being devoid of merit is accordingly, dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

12.07.2018

Manoj Bhutani

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