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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Judgment: 08th August, 2019

+ LPA 596/2016

HIRA LAL & ORS

..... Appellants

Through Mr. S. Mehdi Imam, Advocate

versus

M/S AHLCON PUBLIC SCHOOL

..... Respondent

Through Mr. Sanjay Sharma, Advocate

CORAM:

HON'BLE MR. JUSTICE G.S. SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

G.S. SISTANI, J. (ORAL)

1. The present appeal is directed against the order dated 24.11.2015 passed by a learned Single Judge of this Court. It may be noticed that there was an initial labour dispute between 24 employees and the School, which was pressed by only 20 employees. The Award rendered by the Labour Court was assailed by the workmen. The employees of the School(hereinafter referred to as the 'workmen') filed a complaint on 19.12.2002 before the Assistant Labour Commissioner seeking a relief of payment of minimum wages through the union. The services of the workmen were terminated by the Management on 03.04.2003, resultantly a legal notice was issued by the workmen to the Management. No reply was received. The workmen received minimum

wages under protest through a contractor of the respondent Management M/s. Pearl Organization (India) in the presence of the respondent Management on the directions of the Management. However, the workmen were not reinstated. A statement of claim was filed by the workmen before the Dy. Labour Commissioner. The stand of the Management has been that the workmen are employees of the contractor M/s. Pearl Organization (India) and the Management has no privity of contract with the workmen, and role to play in their employment nor any appointment letter was issued, neither any wages paid. After the evidence was recorded, the Labour Court passed an Award dated 16.07.2015. As per the Award, barring three workmen, namely, Jagat Ram, Hira Lal (since deceased) and Kadam Singh, none of the workmen were entitled to any relief. Aggrieved by the Award, a writ petition was filed by the workmen. The writ petition was dismissed by the learned Single Judge of this Court by an order dated 24.11.2015, which had led to the filing of the present appeal.

2. The learned counsel for the appellants submits that the Labour Court has failed to take into consideration the material placed on record and has erred in rejecting the claims of the workmen and also erred in granting compensation in the sum ranging from Rs.1,20,000/- to Rs.1,50,000/- to the other three workmen, which amount is highly insufficient and, moreover an order of reinstatement has not been passed. Learned counsel for the appellants further submits that the learned Single Judge has also erred in dismissing the writ petition on the ground that there is no evidence to connect the workmen with the School. Learned counsel also submits that the workmen worked for the

School and hence the School is responsible for the wages and the workmen were wrongly terminated by the School. In the light of the above submissions, it is prayed that the workmen should be reinstated. Additionally, the learned counsel for the appellants submits that the Management did not produce the contractor at the time of evidence. The learned counsel submits that the learned Single Judge has noticed that the evidence of the contractor was not relevant and moreover summons were issued but he did not turn up without taking into consideration that the contractor was a material witness.

3. The learned counsel for the respondent submits that with regard to the relief granted by the Labour Court to three workmen, namely, Jagat Ram, Hira Lal (since deceased) and Kadam Singh is concerned, a separate writ petition being W.P.(C).9760/2015 has been filed by the respondent. It is contended that all the workers were employed by the contractor and the School had no connect with the workmen. It is thus contended that the Labour Court as also the learned Single Judge of this Court have rightly dismissed the claim of the workmen and the claim for compensation could not be saddled on the Management.
4. We have heard the learned counsels for the parties, considered their rival submissions and also examined the Award and the order passed by the learned Single Judge of this Court. The consistent stand of the appellants is that they were employed by the Management, i.e. the School, while the School has taken a categorical stand that the School has not employed the workmen and they are workmen of the contractor. The Labour Court and the learned Single Judge of this Court have returned a categorical finding that there is no document on record which

would connect the workmen with the School. In our view, the claims of the workmen have rightly been rejected. As far as the three workmen, i.e. Jagat Ram, Hira Lal (since deceased) and Kadam Singh are concerned, the respondent School has already assailed the order of the Labour Court. However, the learned counsel for the respondent submits that since workman Hira Lal has died, he would not contest the writ petition with respect to Hira Lal and the amount deposited in the case of Hira Lal will be disbursed to his widow in accordance with law. The learned counsel for the appellants appreciates the gesture of the learned counsel for the respondent.

5. In our view, there is no merit in the present appeal. The same is accordingly dismissed.
6. It is made clear that the order passed in the present appeal will not stand in the way of the respondent in the writ petition filed by them.
7. No costs.

G.S.SISTANI, J

JYOTI SINGH, J

AUGUST 08, 2019

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