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

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*Decided on: 02.03.2020*

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**W.P.(C) 2375/2020**

SKYZED SECUTITASK & SERVICES PVT. LTD..... Petitioner

Through: Mr. Triloki Pandit, Advocate.

versus

SANJEEV KUMAR & ANR

..... Respondents

Through:

**CORAM:**

**HON'BLE MR. JUSTICE NAJMI WAZIRI**

**NAJMI WAZIRI, J (Oral)**

**W.P.(C) 2375/2020 & CM APPL. 8293/2020**

1. This petition impugns the order dated 11.07.2019 passed by the learned Labour Court in New ID No. 1477-17, on the ground that it is devoid of merits, both in fact and in law. It does not discuss the facts of the case

2. However, the impugned order records that the petitioner neither filed a reply nor participated in the proceedings. In other words, the claim of the workman went uncontested. The petitioner had led evidence to prove that he was working with one M/s Spirit Cars Pvt. Ltd. through the present petitioner. The latter contends that the primary liability is that of M/s Spirit Cars Pvt. Ltd., who was deleted from the array of parties.

3. Be that as it may, the petitioner is the one, which has been directed to reinstate the workman as well as to pay the amount to the workman as

sought to be recovered in the recovery notice dated 27.11.2019, which was not responded to. The workman then led evidence in terms of his claim for unpaid wages, legal facilities and reinstatement in service. His claim was that he was working as a Field Officer since January 2015 and Rs. 15,000/- per month was his last drawn salary. He never gave any occasion to the management for complaint apropos his services. His service record remained unblemished. However, when he sought facilities such as Provident Fund, ESI contribution, copies of the Leave Book, Attendance Card, Identity Card, overtime, etc., the management got annoyed and terminated his services on 22.12.2015, without any prior notice to him.

4. In this regard, the impugned order has reasoned as under:

“ .....

*12. As the management has not come forward to file any Written Statement or to cross-examine the claimant or to lead its own evidence, the evidence of the claimant remain uncontroverted and unrebutted and as such accepted on its face value.*

*13. Hence, the claimant is held entitled to the relief of reinstatement with full back wages and continuity of service against management No.2.*

.....”

5. Insofar as the petitioner itself had chosen not to participate in the claim proceedings or to contest the claim before the learned Tribunal, no worthwhile reason for the default is offered. The petitioner contends that the relevant documents of employment were not given to it and that when the same were sought, it was declined and therefore, the workman's services were terminated. The said contention is untenable and is accordingly rejected.

6. In view of the above, the Court finds no reason for interference with the aforesaid order. The petition is without merit and is accordingly dismissed.

**NAJMI WAZIRI, J**

**MARCH 02, 2020**

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