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

+ **W.P.(C) 14747/2022**

DEVENDRA SINGH

..... Petitioner

Through: Mr. Rajneesh Roshan, Adv.

versus

GLOBE DETECTIVE AGENCY PVT. LTD.

..... Respondent

Through: Mr. Rajat Arora and Mr. Niraj
Kumar, Advs.

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Date of Decision: 19th October, 2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present writ petition has been filed challenging the impugned order dated 31st August, 2018 whereby the learned Labour Court has rejected the claim petition of the petitioner on the basis of the admission made by him in the Cross examination stating that his services were never terminated. The petitioner-workman explicitly admitted that he did not comply with the transfer order and refused to join his new posting.
2. Brief facts as alleged by the petitioner are that the Petitioner/workman had joined Respondent/Management, i.e., Globe Detective Agency Pvt. Ltd. as security guard through its Delhi Branch. Between 1994 to 2014, multiple cases were filed by the petitioners against the

respondent regarding payment of PF and minimum wages, Sundays and overtime.

3. It has also been stated that the management/Respondent transferred the workman to Nimrana, Rajasthan because he was the president of Globe Workers Lal Jhanda Union (Regd.) and he had to file several cases against the management for the welfare of other workers because the management used to deduct wages of the workers illegally and thus, he was transferred along with deduction of Rs.3000/- from his wages per month and without paying the workman any conveyance or shifting allowance. The management was also aware about the family of the petitioner which is settled in NCR with school going children. The petitioner filed case before Dy. Labor Commissioner (South) for illegal termination. On reference, the Hon'ble Labour Court vide impugned award dated 31.08.2018 dismissed the claim of the petitioner stating that services of the petitioner were never terminated.
4. Upon the industrial dispute being raised, the following reference was sent to the learned Labour Court for adjudication which reads as under;

“(a) Whether services of Sh. Devender Singh S/o Sh. Rajpal Singh has been terminated illegally and/or unjustifiably by the management; and if so, to what relief is he entitled and what directions are necessary in this respect”?

5. The perusal of the award dated 31st August, 2018 indicates that the petitioner himself has admitted that he was never terminated. In fact,

it has been admitted by the petitioner that instead of complying with the transfer order, he filed the present writ petition.

6. It is a settled proposition that this Court under its writ jurisdiction cannot re-appreciate the evidence. This Court sets aside or interferes with the award only if, there is a manifest, illegality or perversity in the order passed by the learned Trial Court. It is also to borne in mind that the impugned order was passed in 31st August, 2018 and the present writ petition has been filed in the year 2022 and there is no explanation for having invoked the jurisdiction of the Court after a delay of around four years.
7. I have also gone through the affidavit filed by the petitioner in the evidence and the cross examination conducted by the management. In the affidavit filed by the management, it is specifically been submitted that there has been no termination of the service of the petitioner. It has also been submitted that they are still ready and willing to give the position to the workman, if he so desires. The management took a plea that the said positing cannot be at the discretion of the workman and has to be as per the administrative exigencies of the Management.
8. The plea of the management is that it was the petitioner himself who stopped attending to his duties and the petitioner was transferred from Noida Unit to Gurgaon Unit of the management but he refused to obey the said order.

9. I consider that there is no ground to interfere with the impugned order of the learned Trial Court.

10. Hence, the present petition stands dismissed.

DINESH KUMAR SHARMA, J

OCTOBER 19, 2022

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