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

+ W.P.(C) 14814/2022

ARUN KUMAR

..... 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. The 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 refused to take the workman in job, then the workman was called to the head office but it was told to him that his services stands terminated and the workman was also asked to vacate the quarter given to him for residence. This action was taken by the management verbally only and no written termination letter was issued to him. 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. Arun Kumar S/o late Sh. Sita Ram absented from his duties unauthorized or his services have been terminated illegally and/or unjustifiably by the management; and if so, to what sum of money as monetary relief along with other consequential benefits in terms of existing Laws/Govt. Notification and to what other 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 it is denied that the services of the claimant were terminated from 25th September, 2014 as has been alleged in the claim statement filed by the petitioner.

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

Pallavi

