

112

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

CWP-15320-2022

Date of decision : 08.05.2023

Nawal Singh**...Petitioner**

Vs.

**The Presiding Officer, Industrial
Tribunal-cum-Labour Court-I,
Gurugram and another**

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sudhir Rana, Advocate for the petitioner.

MANOJ BAJAJ, J.

By means of this writ petition filed under Article 226 Constitution of India petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the order dated 11.10.2019 (Annexure P-1) passed by Industrial Tribunal, Gurugram, whereby the industrial dispute raised against termination of his service was dismissed.

Learned counsel submits that the petitioner/workman worked with the respondent/department continuously w.e.f. 01.01.1998 to 19.09.2013, who was illegally removed from service resulting in the labour dispute between the employer and employee and through reference No.R/139/14 the parties reached before the Labour Court, Gurugram. He submits that vide impugned award dated 11.10.2019 (Annexure P-1), the claim raised by the petitioner-workman has been dismissed solely on the ground that there is no evidence on record to establish the relationship of employee and employer. Learned counsel further submits that the department had played mischief by taking services of the

petitioner without issuing any formal appointment letter, and even wages were paid to him in the name of some other employee. Learned counsel has further argued that in support of his case, the petitioner had examined PW-1, namely, Deshraj and PW-2, namely, Raja Ram, who were also the employees of the management and further prays for setting aside the impugned order.

Upon hearing learned counsel and considering his submission, this Court does not find any merit in the argument that petitioner kept on working with respondents and drew wages in the name of some other co-employee, as it does not appeal to prudence that the co-employee not only received own wages and also signed receipts towards the wages paid to the petitioner. During the course of hearing, it is not disputed by learned counsel that no documentary evidence was adduced by the petitioner to prove the petitioner’s employment with the respondent.

A reading of the impugned award shows that the Tribunal has examined the depositions of PW-1 and PW-2 and found them unreliable by giving valid reasons and finally proceeded to answer the reference against the workman. The findings delivered on material issues are based upon correct appreciation of the evidence, therefore, no ground is made out for any interference.

Resultantly, finding no merit in the writ petition, the same is dismissed.

(MANOJ BAJAJ)
JUDGE

08.05.2023

vanita	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No