

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

CWP-15310-2022

Date of decision : 08.05.2023

Vintesh @ Bintesh

...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 01.10.2019 (Annexure P-1) passed by Industrial Tribunal, Gurugram, whereby the industrial dispute raised against termination of her service was dismissed.

Learned counsel submits that the petitioner worked with the respondent-department continuously w.e.f. 02.01.2000 to 19.11.2013, who was illegally removed from service, and it gave rise to the labour dispute between the employer and employee and through reference No.R/167/14 the parties reached before the Labour Court, Gurugram. He submits that vide impugned award dated 01.10.2019 (Annexure P-1), the claim raised by the petitioner has been dismissed solely on the ground that there is no evidence on record relating to the relationship of employee and employer. Learned counsel submits that since the department had played mischief by taking service of the petitioner

without issuing any formal appointment letter and even wages were paid to her in the name of some other employee, therefore, the impugned award warrants interference.

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.

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.

A perusal of the impugned award shows that the findings returned by the Labour Court on material issues are based upon correct appreciation of the evidence on record, therefore, this Court does not find it to be a fit case for judicial review.

Thus, finding no merit in the writ petition, this Court is not inclined to exercise the extraordinary writ jurisdiction.

Dismissed.

08.05.2023

vanita

Whether speaking/reasoned :
Whether Reportable :

(MANOJ BAJAJ)

JUDGE

Yes
Yes

No
No