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

**CWP-23023-2022 (O&M)
Date of Decision: 31.01.2023**

Rubi Devi @ Rubi

.. Petitioner

Vs.

Presiding Officer and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Krishan Singh, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

This writ petition has been filed under Article 226 Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned award dated 27.12.2018 (Annexure P-5) passed by respondent No.1, whereby claim of the petitioner for reinstatement in service was dismissed.

Learned counsel has argued that the petitioner-Rubi Devi @ Rubi was engaged as a cook by respondent No.2 on 14.12.2012, as the earlier incumbent, namely, Sangeeta Rani had left the job and thereafter, she continued to work till 01.09.2014, when her services were illegally terminated. Learned counsel submits that the demand notice was raised by petitioner on 18.08.2016, and later, the dispute reached before the Labour Court, Ambala wherein the impugned decision has been passed against the petitioner. According to the learned counsel, the Labour Court has failed to consider the material on record carefully while declining the claim and the said findings are not sustainable. He submits that the Tribunal has wrongly held that the petitioner was engaged by contractor-Anand Self Help Group,

who arranged cooks for cooking mid day meal in the schools on rotation basis and, the claim has been dismissed for lack of relationship of employee and employer. He prays that the impugned order be set aside.

After hearing the learned counsel and examining the material on record, this Court finds that the impugned award was passed on 27.12.2018, whereas the writ petition to challenge the same has been filed on 14.09.2022 without any explanation behind the inordinate delay. Apart from it, a perusal of the impugned award shows that the findings returned by the Labour Court, Ambala against the petitioner on material issues are based upon proper appreciation of evidence on record. The Tribunal has given a categorical finding that the services of complainant-Rubi Devi @ Rubi were provided to the management by Anand Self Help Group and during the course of hearing also, the petitioner has failed to point out any relevant material, much less a convincing piece of evidence to support his stand that the petitioner was employed by respondent No.2.

Resultantly, this Court does not find it to be a fit case for exercise of extra ordinary writ jurisdiction under Article 226 Constitution of India.

Dismissed.

31.01.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No