

**CWP-33819-2019 (O&M)  
Date of decision-25.01.2023**

Ram Raj

...Petitioner

Vs.

Presiding Officer, Labour Court, Ambala and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Vishal Singh Chauhan, Advocate for the petitioners.

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**MANOJ BAJAJ, J. (Oral)**

Petitioner has filed this writ petition under Article 226 Constitution of India seeking a writ in the nature of Certiorari for quashing the impugned Award dated 30.07.2019 (Annexure P-1) passed by respondent No.1, whereby his claim for reinstatement in service was dismissed.

Learned counsel has argued that the petitioner was appointed as Labourer by respondent No.2 i.e. M/s Panchkula Golf Club in November 2004, who continued to work till 1<sup>st</sup> December, 2014, when his services were illegally terminated in violation of provisions of Industrial Disputes Act, 1947. According to him, the petitioner had completed more than 240 days and respondent No.2 wrongly dispensed with his services and retained his juniors in service. He submits that in this regard, an industrial dispute was raised, but through the impugned award dated 30.07.2019 (Annexure P-1), the Labour Court, Ambala answered the reference against the petitioner-

workman, which is against the evidence on record, therefore, it is not sustainable and warrants interference by this Court.

After hearing the learned counsel and considering his submissions, this Court finds that the Labour Court, Ambala has carefully examined the rival stands of the workman and the Management, while returning the findings on material issues against the workman by relying upon his admissions. The said material as discussed in Para 10 of the impugned award, reads as under:-

*“Workman has stated that he worked with the contractor w.e.f. 2004 till October, 2014. Through any cogent evidence, the relationship of employer and employee is not proved between the claimant and respondent M/s Panchkula Golf Club. In his cross examination workman Ram Raj has admitted that he is working as Dhobi and he used to iron the clothes at his residence in sector 2, Panchkula which is a posh residential area of Panchkula having 1000-2000 residential houses. Ram Raj claimant has categorically admitted in his cross examination that his colleague Tuhi Ram had also filed the case in Labour Court, Ambala. He has denied the suggestion that he had got established his work of Washerman due to which he left his job without any intimation.”*

During the course of hearing, it is not disputed by learned counsel that no documentary evidence relating to the appointment of the petitioner as Labourer or disbursement of salary by respondent No.2-Management was produced in evidence. As per the stand of the Management, the petitioner had been working under the contractor M/s D.S.

Service Provider, therefore, in the absence of evidence to establish relationship of employer and employee between the Management and the workman, his claim of reinstatement is misplaced. Nothing has been brought to the notice of this Court to show that either the proper procedure in adjudicating the industrial dispute was not followed by the Labour Court, Ambala or the findings recorded by it, are perverse, therefore, this Court is not inclined to exercise the power of judicial review.

Resultantly, the writ petition fails and is dismissed.

(MANOJ BAJAJ)  
JUDGE

25.01.2023  
*geeta*

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |