

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.111

LPA-70-2024 (O&M)
Date of decision: 21.02.2024

Saroj

....Appellant

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court-I, Faridabad, District
Faridabad and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MRS. JUSTICE DEEPAK MANCHANDA

Present: Mr. P.S. Jammu, Advocate
for the appellant.

* * *

DEEPAK SIBAL, J. (Oral)

1. The appellant raised an industrial dispute challenging the termination of her services on 05.03.2019 by the Municipal Corporation, Faridabad (for short – the MC) where she claimed to be working as a Sweeper since 27.12.2017.

2. The appellant's dispute was referred for adjudication by the Industrial Tribunal-cum-Labour Court-I, Faridabad (for short – Tribunal).

3. On being put to notice by the Tribunal, the MC contested the appellant's claim. A preliminary objection was raised by the MC that there was no employer-employee relationship between the appellant and the MC as her services had been provided through a service provider namely M/s Imperial Electrical and Allied Services.

4. The Tribunal considered the evidence led by the parties and

dismissed the reference after holding that there was no employee-employer relationship between the appellant and the MC. Such conclusion was arrived at after the appellant failed to produce before the Tribunal her appointment or termination letter by the MC as also any proof of receipt of salary by her from the MC.

5. The Award of the Tribunal was petitioned against by the appellant before this Court. The learned Single Judge, after considering the facts of the case and scanning the law on the subject, concurred with the findings returned by the Tribunal resulting in the dismissal of the appellant's writ petition. The judgment of the learned Single Judge is the subject matter of challenge through the present intra court appeal.

6. Learned counsel for the appellant has been heard and with his able assistance the record of the case has also been perused.

7. The appellant has challenged the termination of her services by the MC but there is not found on the record any appointment letter by the MC appointing the appellant. There is also no evidence of the MC paying any salary to the appellant. No order by the MC terminating the appellant's services also exists.

8. In the light of the above, the concurrent findings returned by the Tribunal and the learned Single Judge with regard to non-existence of employer-employee relationship between the appellant and the MC warrants no interference at our end especially when the learned Single Judge has rejected the appellant's petition after scanning the relevant law on the subject.

9. Dismissed.

10. All pending miscellaneous applications, if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

February 21, 2024
Jyoti 1

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No