

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 786 OF 2025

Mr. Kapil Manilal Patel

....Petitioner

(Original Second Party)

: Versus :

M/s. Allied Insurance Surveyors
and Ors.

....Respondents

(Original First Party)

Mr. Hrishikesh R. Chavan, for the Petitioner.

CORAM : SANDEEP V. MARNE, J.

Dated : 20 March 2025.

P.C. :

1) The petition challenges the Award dated 30 March 2024 passed by the Presiding Officer, Eleventh Labour Court, Mumbai answering Reference (IDA) No.218/2019 in the negative. The Labour Court has held that there is no employer-employee relationship between the Petitioner and the Respondents.

2) I have heard Mr.Chavan, the learned counsel appointed through Legal Aid Committee to represent the Petitioner and have considered the submissions canvassed by him. I have also gone through the findings recorded by the Labour Court in the impugned Award.

3) There is no dispute to the position that the Petitioner has not been able to produce any direct evidence to establish employer-employee

relationship such as salary slip, attendance register etc. Mr. Chavan would submit that the employer was deliberately not maintaining any records of employment of the Petitioner and that once the Petitioner proved the factum of non-maintenance of records, the burden would ordinarily shift on the employer to lead evidence in the form of concerned registers to disprove non-employment of the Petitioner. I am unable to agree. Since the Petitioner has approached the Labour Court, the burden is on him to prove existence of employer-employee relationship. The Labour Court has considered all the documents produced by the Petitioner for recording a finding of fact that there is no employer-employee relationship between the parties. The said finding, based on evidence, cannot be disturbed in exercise of jurisdiction under Article 227 of the Constitution of India. Even before me, no document is produced to even *prima-facie* infer existence of employer-employee relationship.

4) In my view therefore, there is not warrant for interference in the impugned Award passed by the Labour Court. The petition is accordingly rejected.

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[SANDEEP V. MARNE, J.]