



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

LPA-1195-2025

Date of Decision: 14.05.2025

Akhlesh Yadav @ Akhilesh Kumar Yadav

. . . . Appellant

Vs.

**The Presiding Officer Industrial Tribunal-cum-Labour Court III,
Faridabad and Anr.**

. . . . Respondents

**CORAM: HON'BLE MR JUSTICE SUDHIR SINGH
HON'BLE MR JUSTICE ALOK JAIN**

Present: - Mr. Anshul Sharma, Advocate
for the appellant.

SUDHIR SINGH, J.

Challenge in the instant intra Court appeal is to the order dated 20.03.2025 passed by the learned Single Judge, whereby the writ petition filed by the appellant was dismissed.

2. Before the learned Single Judge, the appellant had laid challenge to the award dated 11.11.2024 (Annexure P-10 with the writ petition), passed by the Labour Court, whereby the reference was answered against him.

3. As per the facts on record, a reference was made by the competent authority on behalf of the appellant before the Labour Court. It was alleged by the appellant that he was employed by the respondent-Management as a Weldor on the permanent post w.e.f. 09.03.1999 and he was getting a salary of Rs.9,000/- per month. It was further alleged by him that at the time of his appointment, the respondent-Management had obtained his signatures on blank papers as well as on blank vouchers and that he had

worked continuously from 09.03.1999 till 20.08.2016 without any break in the service. The appellant claimed that his services were wrongly and illegally terminated on 20.08.2016 without complying with the mandatory provisions of Industrial Disputes Act, 1947. The said claim of the appellant was contested by the respondent-Management pleading therein that he was not employed by them and there was no employer-employee relationship between them. The Labour Court after considering the rival contentions and evidence on record had answered the reference against the appellant-workman. Aggrieved there-against, the appellant had filed the writ petition, which as noticed above, was dismissed.

4. Learned counsel appearing for the appellant-workman has vehemently argued that once, the appellant had specifically pleaded before the Labour Court that he had worked as a Welder with the respondent-Management for a continuous period from 09.03.1999 to 20.08.2016 and that his services were terminated without complying with the mandatory provisions of the aforesaid Act, the findings recorded by the Labour Court and upheld by the learned Single Judge, are totally perverse. It is further argued that the appellant had proved on record by way of evidence before the Labour Court that in the LIC policy issued to him and its renewal receipts, the address of the appellant was of that the respondent-Management. It is also argued that the appellant had produced on record the photocopies of the attendance and wages registers, which had clearly fortified the claim of the appellant, but it was wrongly held by the Labour Court that the appellant had failed to prove his employment under the respondent-Management. It is further argued that the said findings have wrongly been upheld by learned Single Judge, without taking into consideration the pleas taken in the writ

petition. Accordingly, a prayer has been made for setting aside the impugned order passed by the learned Single Judge.

5. We have heard the learned counsel for the appellant and have also gone through the paper book, including the impugned order.

6. The only question that arises for consideration is whether the impugned order passed by the learned Single Judge requires any interference by this Court.

7. Learned Single Judge in the impugned order has held that apart from the bald statement of the appellant, no other document was produced by him on record to prove that there existed a master-servant relationship between him and the respondent-Management. The appellant did not produce any appointment letter or attendance card in this regard. We also find that the Labour Court in its award had found that WW-2-Vinay Kumar had produced original summoned record of the respondent-Management and proved the copies of attendance and wages registers of the respondent-Management from January, 2012 to December, 2016 as Ex.W/A and Ex.W/B, respectively. It was further found that the name of the appellant-workman did not find mention therein. Apart from that, it was also found that the appellant-workman had failed to produce his appointment letter, wages slips, ESI or PF contribution slips etc. in support of his claim that he was the employee of the respondent-Management. While referring to documents Ex.W-1 to W-19, it was found that the said documents were not sufficient to prove the employment of the appellant-workman under the respondent-Management. Still further, the documents Mark A and Mark B were held to be insufficient to prove the case of the appellant, being the photocopies, the original record thereof was never produced.

8. The findings recorded by the Labour Court as upheld by the learned Single Judge, are based on the evidence on record. The appellant having failed to prove the relationship of master and servant between him and the respondent-Management, has rightly not been held entitled to any indulgence by the learned Single Judge.

9. In view of the above, we find no merit in the present appeal. Consequently, the same is hereby dismissed.

10. Pending application, if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(ALOK JAIN)
JUDGE

14.05.2025
poonam

Whether speaking/reasoned?
Whether reportable?

Yes/no
Yes/no