



2025:DHC:7863



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 13.08.2025***+ **W.P.(C) 3189/2019****RAJ KUMAR**

.....Petitioner

Through: Mr. Jatin Mongia, Adv. with
Petitioner in person.

versus

MANAGEMENT OF M/S BRIGHT INTERNATIONAL

.....Respondent

Through: Mr. Sachin Jangir, Adv.

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. The present Petition has been filed by the Petitioner under Article 226 read with Article 227 of the Constitution of India seeking to challenge the Award dated 12.04.2018 passed by the learned Presiding Officer, POLC-V, Dwarka Courts, Delhi [hereinafter referred to as "Impugned Award"]. By the Impugned Award, the Claim Petition filed by the Petitioner/Claimant has been dismissed.

2. Learned Counsel appearing on behalf of the Petitioner submits that the findings of the Impugned Award suffer from infirmity. He submits that the Respondent/Management had placed on record several documents which clearly show that the Petitioner was an employee of the Respondent/Management. Reliance in this behalf is placed on the Affidavit of evidence as well as on the copies of the Wage Register and an EPF Register maintained by the Respondent/Management which were filed by



the Respondent/Management in the proceedings before the learned Trial Court.

3. In addition, reliance is placed on an unsigned affidavit which forms part of the record in which learned Counsel for the Petitioner states that the Petitioner worked for a short time and that he left the services on his own and more specifically in Paragraph 4 and 5 thereof of the Affidavit in Evidence as set out below:

“4. I state that the attendance registered of the deponent company shows that Raj Kumar Luthra Vishnu Dutt and Raj Kumar at also worked for a short time and they have left the services of the company on their own at different dates after signing voucher and cum settlement receipt therefore, arises nothing on their part to raise the Industrial dispute. And their claim is false that the company has illegally terminated their services.

5. I further state that the voucher cum settlement receipt of Vishnu Dutt is exhibited at MW1/A Raj Kumar Luthra's Exh. MW1/B, Raj Kumar MW1/C Amar Nath MW1/D, Sanjay MW1/E, and Nand Kumar MW1/F these receipt cum settlement clearly shows that these workman have been left the services of the company on their own accord after taking money from the company.”

[Emphasis supplied]

4. Learned Counsel further submits that the Wage Register which has also been placed on record which gives the name of the Respondent at the top mentions the name of the Petitioner as well, at Sr. No. 68 as Mr. Raj Kumar S/o Shri Daya Ram, the number of working days as 14 and the salary as Rs. 1,500/- in the following manner:

Sr. No.	PF A/c No.	Leave Register Sr. No.	Name of Employee	Father's Name	Employee's Designation	Working Days	Total Ratio of Wages/ Salary
68			Mr. Raj Kumar	S/o Sh. Daya Ram	Packing	14	1500



4.1 Reliance is also placed on the EPF Register as maintained by the Respondent/Management which also gives the name of the Petitioner at Sr. No. 14 in the following manner:

Sr. No.	A/c No.	Name of member	Wages retaining allowance (if any) and D.A including cash value of food concession paid to the member during the wage period	Amount of member Contribution deducted from the wages			Employee Contribution		
				Empl yees Provid ent fund	@11% Family Pensio n Fund	Total	Empl yees Provid ent fund	@11% Family Pensio n Fund	Total
14	67	Mr. Raj Kumar	1161	102	14	116	102	14	116

4.2 Learned Counsel for the Petitioner, thus, submits that in view of the documents which were placed on record by the Respondent/Management it is clearly seen that the Petitioner was an employee of the Respondent/Management and, the finding of the learned Trial Court that there is no relationship of employee and employer, suffers from an infirmity.

5. Learned Counsel for the Petitioner also relies on the findings of the learned Labour Court to submit that other than stating that the workman was never their employee, no other finding has been given.

6. Learned Counsel for the Respondent, on other hand, submits that the affidavit that has been relied upon by the Petitioner is unsigned. He seeks to rely upon the affidavit of Sh. K.L. Gugnani, which is exhibited as Ex.MW3/A in this behalf to submit that the affidavit clearly states that Sh. Raj Kumar was never the employee of the Respondent. Paragraph 4 of this affidavit is set out below:



“4. That the claimants Sh. Raj Kumar Luthra (S/o. Sh. Ganga Bishan) and Sh. Raj Kumar (S/o Sh. Daya Ram) were never employed with the respondent during any period and there was no relationship of master servant between them and the respondent during any period. Claimant Sh. Amar Nath worked with the respondent from October, 1990 to March, 1991 and received his dues thereof and thereafter there was no relationship of master servant between him and the respondent. Claimant Sh. Vishnu Dev worked with the respondent from April, 1994 to May, 1996 and received his dues thereof and thereafter there was no relationship of master servant between him and the respondent. **Copies of Payment of Wages Register of M/s. Bright International for the period from April, 1994 to September, 1994 and from March, 1995 to March, 1996 are attached herewith as EX. MW3/3 to EX. MW3/21. Copies of Attendance Register of M/s. Bright International for the period from January, 1998 to May, 1998 are attached herewith as EX. MW3/22 to EX. MW3/26. Copy of Form 3A under Provident Fund Act for the year 1995-96 and Form No. 19B and 10B of the claimant Vishnu Dutt with respect to full and final settlement of his provident fund are attached herewith as EX. MW3/27 to EX. MW3/29. The claimants according to their working figure in the above said employees record of the respondent.”**

[Emphasis Supplied]

6.1 In addition, learned Counsel for the Respondent also seeks to rely upon the evidence of MW2, Sh. Harish Singh, who it is stated is a senior social security assistant from EPF Department and who was carrying the record to submit that he has brought the record including the annual return for the year 1995-96 deposited by one M/s Deepak International and which is exhibited as Ex.MW- 2/2 and the name of the workman figures at Point A as a workman of that entity and not the Respondent. The relevant extract is below:

“I have brought the summoned record pertaining to workman Raj Kumar S/o Sh. Daya Ram, being covered under EPF Scheme as employee of M/s. Deepak International. The record brought by me includes subscriber's ledger card [Form-21(A) i.e., Ex. MW-2/1]. I have also brought annual return for the year 1995-1996 deposited by M/s. Deepak International, the same is Ex. MW-2/2 and name of the workman figures at point-A. I have also brought Form No. 24 i.e., EPF reconciliation statement, running in two pages and the same is Ex. MW-2/3 (colly.). The name of the workman figures at point-A therein. Form No. 19 and 10-C deposited by the claimant are not available with the department as the same have been weeded out as



per the policy of the department, said records are kept only for a period of three years. As per Ex. MW-2/1 the net payment amount of the workman was Rs. 2,197/- which is endorsed at point-A with date 23.01.1998."

[Emphasis Supplied]

7. By an order dated 07.12.1998, the Authority sent the following reference for adjudication.

8. The record reflects that these contentions/issues raised by the Petitioner as well as the Respondent have not been dealt with by the learned Labour Court in the Impugned Award. In fact, the Impugned Award, other than stating that the relationship of employer-employee has been denied, does not rely upon any of these documents which have been shown to the Court. However, the Wage register and the EPF register form part of the Trial Court Record.

9. The Petitioner has averred that in the EPF register filed by the Respondent/Management annexed as MW1/9 and MW2/2, that the stamps on these documents show that the address of M/s Bright International and M/s Deepak International is the same and the name of Petitioner/Workman is present on both sets of documents filed by both entities.

9.1 It is the case of the Petitioner/workman that he worked for M/s Bright International the Respondent and not for M/s Deepak International. Even so far as concerns, the documents which have been produced by the Respondent and which are annexed along with case file, do show the name of Sh. Raj Kumar present as their employee. This aspect has clearly not been examined by the learned Labour Court in view of the finding given that all documents are photocopies and have not been exhibited as per of the rules of evidence.

9.2 It is settled law that strict rules of evidence do not apply to



proceedings of the Labour Court. Given that these are proceedings by the Labour Court and in view of the economic status of workman, the proceedings before the learned Labour Court, are instead guided by principles of natural justice. It has been held by the Supreme Court in ***Karnataka SRTC v. Lakshmiddevamma (Smt) & Anr.***¹ as follows:

"45. It is consistently held and accepted that strict rules of evidence are not applicable to the proceedings before the Labour Court/Tribunal but essentially the rules of natural justice are to be observed in such proceedings. Labour Courts/Tribunals have the power to call for any evidence at any stage of the proceedings if the facts and circumstances of the case demand the same to meet the ends of justice in a given situation. We reiterate that in order to avoid unnecessary delay and multiplicity of proceedings, the management has to seek leave of the court/tribunal in the written statement itself to lead additional evidence to support its action in the alternative and without prejudice to its rights and contentions. But this should not be understood as placing fetters on the powers of the court/tribunal requiring or directing parties to lead additional evidence including production of documents at any stage of the proceedings before they are concluded if on facts and circumstances of the case it is deemed just and necessary in the interest of justice."

9.3 In addition, in a Petition under Article 226/227 of the Constitution of India, 1950, the Court cannot go into the disputed questions of facts. The Supreme Court in has discussed the settled law and held that while exercising the powers under Article 226/227 shall not reappreciate the evidence [See: ***Chatrapal v. State of U.P. & Anr.***²].

10. The Supreme Court in the case of ***M/s Bharti Airtel Ltd. v. A.S. Raghavendra***³ reaffirmed that under Article 226 of the Constitution, the High Court's writ jurisdiction is limited to correcting jurisdictional errors or violations of natural justice and does not extend to reappreciation of

¹ (2001) 5 SCC 433

² 2024 SCC OnLine SC 146

³ (2024) 6 SCC 418



evidence or acting as an appellate forum. The Court held that interference is justified only where the tribunal's order is perverse or based on no evidence.

It is apposite to set out the relevant extract below:

“11. On the legal aspect, it was contended that the High Court had exceeded its jurisdiction in such matters, as the law was that a writ of certiorari under Article 226 of the Constitution can be issued only to correct errors of jurisdiction where a court or tribunal acts with material irregularity or in violation of natural justice but not for the purpose of reappreciation of evidence or acting as a court of appeal. For such proposition, reliance was placed on the judgment in Syed Yakoob v. K.S. Radhakrishnan [Syed Yakoob v. K.S. Radhakrishnan, 1963 SCC OnLine SC 24 : AIR 1964 SC 477 : (1964) 5 SCR 64] , the relevant being para 7. Similarly, it was contended that in matters pertaining to industrial law, it has been held that unless the High Court first concludes that the award or order of a Labour Court or Industrial Tribunal is based on no evidence or is perverse, the High Court cannot proceed to reappreciate the evidence under Articles 226 or 227 of the Constitution. In this regard, following judgments were relied on — Indian Overseas Bank v. Staff Canteen Workers' Union [Indian Overseas Bank v. Staff Canteen Workers' Union, (2000) 4 SCC 245 : 2000 SCC (L&S) 471] ; Anoop Sharma v. State of Haryana [Anoop Sharma v. State of Haryana, (2010) 5 SCC 497 : (2010) 2 SCC (L&S) 63] , relevant being paras 12-14, and; Pepsico India Holding (P) Ltd. v. Krishna Kant Pandey [Pepsico India Holding (P) Ltd. v. Krishna Kant Pandey, (2015) 4 SCC 270 : (2015) 1 SCC (L&S) 701].

29. As regards the power of the High Court to reappraise the facts, it cannot be said that the same is completely impermissible under Articles 226 and 227 of the Constitution. However, there must be a level of infirmity greater than ordinary in a tribunal's order, which is facing judicial scrutiny before the High Court, to justify interference. We do not think such a situation prevailed in the present facts. Further, the ratio of the judgments relied upon by the respondent in support of his contentions, would not apply in the facts at hand.

35. For reasons aforesaid, this appeal succeeds and is, accordingly, allowed. The impugned judgment [Bharti Airtel Ltd. v. A.S. Raghavendra, 2022 SCC OnLine Kar 738] as well as the judgment [A.S. Raghavendra v. Bharti Airtel Ltd., 2019 SCC OnLine Kar 4030] rendered by the learned Single Judge are set aside. The judgment of the Labour Court is revived and restored. Ex consequenti, it is held and declared that the respondent is not a “workman” and thus, reference to the Labour Court under the ID Act against the appellant would not be maintainable. We commend the respondent for his spirited resistance to the appeal.”

[Emphasis supplied]



11. Clearly, there are disputed questions of fact which were not examined by the learned Labour Court prior to reaching its decision. In view of the foregoing submissions, the Impugned Award is set aside.

12. The parties shall appear before the learned Labour Court on 22.09.2025.

12.1 In view of the pendency of the dispute *inter se* the parties, the learned Labour Court is requested to decide the reference as expeditiously as possible. Learned Counsel for the parties submit that they will not take any unnecessary adjournments before the learned Labour Court. The parties are bound down by the statements made by their Counsel.

12.2 Since the pleadings are complete and evidence has also been placed on record; the learned Labour Court will re-hear the matter and pass a final order in accordance with law. The learned Labour Court shall also examine the documents that have been placed on record by the Petitioner before this Court. The Respondent is also at liberty to produce any document as rebuttal evidence.

13. It is clarified that this Court has not examined the matter on merits. The rights and contentions of both parties are left open to be agitated before the learned Labour Court in accordance with law.

14. The Petition is disposed of in the foregoing terms.

15. The parties shall act based on a digitally signed copy of the order.

TARA VITASTA GANJU, J

AUGUST 13, 2025/g.joshi/r