



2025:DHC:5981-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 22.07.2025

+ LPA 570/2024
ANOKHE LAL

.....Appellant

Through: Mr.Varun Kumar, Adv.

versus

GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Mr.Yeeshu Jain, ASC with
Ms.Priya Shukla and
Mr.Aveeraj Sharma, Advs. for
R-1
Mr.Atul Bandhu and
Ms.Deepika Jain, Advs. for R-2

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This appeal has been filed by the appellant, challenging the Judgment dated 04.04.2024 passed by the learned Single Judge of this Court in W.P.(C) 2901/2007, titled ***Anokhe Lal v. Govt. of NCT of Delhi & Anr.***, whereby the learned Single Judge dismissed the writ petition filed by the appellant.

2. The appellant had filed the above writ petition challenging the Award dated 31.05.2006 (hereinafter referred to as the 'Impugned Award') passed by the learned Presiding Officer, Labour Court-V, Karkardooma Courts, Delhi (hereinafter referred to as the, 'Labour



Court') in Industrial Dispute No.709/1999, whereby the appellant's challenge to his alleged termination from service was dismissed.

3. The learned Labour Court, upon a detailed examination of the evidence led before it, concluded that the appellant was a self-employed deliveryman working on a commission basis and, therefore, was not a 'workman' of the respondent no.2, as defined in Section 2(s) of the Industrial Disputes Act, 1947.

4. The learned Single Judge, in the Impugned Judgment, has considered the reasoning given by the learned Labour Court in the Impugned Award, including the issue of interpolation in the appointment letter relied upon by the appellant, and upon examination of the evidence, upheld the Impugned Award.

5. The learned counsel for the appellant submits that both the learned Labour Court and the learned Single Judge erred in not appreciating the evidence led in the matter. He submits that the respondent no.2 had taken work from the appellant not only as a deliveryman but also as a storekeeper.

6. He further places reliance on the Letter dated 18.04.1997 (Ex.MW1/11) and the handwritten communications dated Nil (Ex.WW1/M2) and dated 10.09.1996 (Ex.WW1/M3). He further places reliance on other documents to contend that the appellant was even assigned supervisory duties.

7. On the other hand, the learned counsel for the respondent no.2 places reliance on the findings of the learned Labour Court as well as those of the learned Single Judge, and contends that there is no reason to interfere with the same in the appellate jurisdiction of this Court.



2025:DHC:5981-DB



8. We have considered the submissions made by the learned counsels for the parties.

9. At the outset, we would note that while exercising powers under Article 226 of the Constitution of India in a challenge to an Industrial Award, this Court does not sit as an Appellate Court. It has to consider whether there has been any violation of the Rules, or whether the Award suffers from arbitrariness or has been passed without considering the evidence on record.

10. In the present case, the learned Labour Court has given detailed reasoning to hold that the appellant was merely working as a delivery man on commission basis with the respondent no.2. He was neither a permanent nor a temporary workman, but had been employed on a contractual basis and was entitled to commission on a per-cylinder basis.

11. We see no reason to disagree with the said finding of the learned Labour Court.

12. Accordingly, we find no merit in the present appeal. The same is dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 22, 2025/ns