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

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Date of Decision: 16.02.2026+ **W.P.(C) 2143/2026 & CM APPL. 10402/2026**

HARI LAL SHAH

.....Petitioner

Through: Mr. Raja Choudhary, Mr. Raaid Hoda, Ms. Anushika Mishra, Mr. Kapil Kumar Sharma, Mr. Dhruv Tiwari and Mr. Devender, Advocates.

versus

M/S ALISHAN CABLE

.....Respondent

Through: None.

CORAM:**HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The present writ petition has been filed under Articles 226 and 227 of the Constitution of India assailing the Award dated 25.01.2024 (hereinafter referred to as "Impugned Award") passed by the learned Presiding Officer, Labour Court-06, Rouse Avenue Courts, New Delhi (hereinafter referred to as the "Labour Court") in LIR No. 3806/2018, whereby the reference made under Section 10 of the Industrial Disputes Act, 1947 ("ID Act") has been answered against the Petitioner/Workman and his claim seeking reinstatement with back wages, has been dismissed.

2. The principal challenge in the present petition is to the finding of the learned Labour Court that the Petitioner failed to establish the existence of employer - employee relationship between himself and the Respondent/M/s Alishan Cables (hereinafter referred to as "Management").



3. By way of the present petition, the Petitioner seeks quashing and setting aside of the Impugned Award dated 25.01.2024 passed by the Labour Court. In the alternative, the Petitioner prays that the matter be remanded to the concerned Labour Court for fresh adjudication after proper consideration of evidence.

FACTUAL MATRIX

4. The case set up by the Petitioner is that he was employed in the year 2013 as a Chowkidar by the Respondent/Management at the Respondent's factory situated at E-907, DSIDC, Bhorgarh, Narela, Delhi. It is alleged that he was engaged on a monthly salary of Rs. 8,000/-. According to the Petitioner, the said salary was unlawfully withheld by the Respondent on the pretext that the same would be paid in lump sum at a later stage.

5. The Petitioner further avers that the Respondent had provided him a room within the factory premises on a rental basis, where he resided along with his wife and children. It is stated that the Petitioner's wife was operating a tea stall adjacent to the Respondent's factory premises.

6. It is the Petitioner's case that, on 03.07.2017, while he was away from his rented accommodation, the Respondent demolished the tea stall and broke into his room, thereafter welding the same shut. The Petitioner alleges that his services were illegally terminated on the said date without issuance of any notice or conducting any inquiry.

7. It is further alleged that on 05.07.2017, the Respondent burnt certain documents belonging to the Petitioner, including his identity and residential proofs. The Petitioner claims to have lodged complaints on 06.07.2017 and 11.07.2017 in respect of the aforesaid incidents. It is stated that criminal proceedings have been initiated against the Respondent in relation thereto,



which are presently stated to be pending before the Rohini Courts, Delhi.

8. *Vide* notification no. F.24/ID/750/17/NWD/316/18/Lab/1006-09 dated 28.08.2018, the dispute was referred for adjudication by the Deputy Labour Commissioner (North West District), Labour Department, GNCTD, to the learned Labour Court in the following terms:

“Whether the services of workman Sh. Hari Lal Sah S/o Sh. Prabhu Sah have been terminated illegally and/or unjustifiably by the management; and if so, to what relief is he entitled and what directions are necessary in this respect?”

9. Pursuant thereto, vide order dated 05.10.2018, the Labour Court issued notice to the workman to file his Statement of Claim. The Statement of Claim came to be filed on 07.01.2019, wherein the Petitioner reiterated that he was an employee of the Respondent and that his services were terminated illegally in the year 2017 without issuance of any show cause notice or holding any domestic enquiry. The Petitioner also claimed his arrears of unpaid salary. The reliefs sought before the learned Labour Court were as under:

- “a) Holding thereby that the services of the workman have been terminated illegally and unjustifiably by the management;*
- b) Direct the management to reinstate the workman with continuity in service and full back wages and other consequential benefits;*
- c) Direct the management to pay entire arrears of salary withheld by the management as custodian to the workman;*
- d) Awarding the cost of litigation in favour of the claimant/ workman and against the management; and*
- e) Any such other order or direction as deemed fit and proper in the facts and circumstances of the present case.”*

10. The Respondent/Management filed its Written Statement on 19.04.2019, denying all allegations made in the Statement of Claim. The Respondent categorically denied the existence of any employer–employee relationship and asserted that the Petitioner was never employed in any



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capacity by the Respondent. It was contended that the Petitioner was merely running a tea stall outside the Respondent's factory premises.

11. The Respondent further alleged that the documents and photographs relied upon by the Petitioner were forged and fabricated. It was averred that the demolition of the Petitioner's tea stall/ khoka was carried out by the Municipal Corporation of Delhi along with police officials, as part of a drive against encroachments on DSIDC land and public land.

12. Thereafter, the proceedings continued before the learned Labour Court. *Vide* Order dated 24.05.2019, the learned Labour Court framed issues in the matter, which are reproduced hereunder:

- "1. Whether there was any employer and employee relationship between the parties herein. OPW*
- 2. As per terms of reference. OPW*
- 3. Relief."*

13. On 25.07.2019, the Petitioner filed an application under Section 11 of the ID Act seeking a direction to the Respondent to produce certain records to establish the employer–employee relationship, namely:

- "A. Muster Roll of the workman from the year 2013 to 2017.*
- B. Attendance registers of the management for the period 2013 to 2017.*
- C. Leave book for the period 2013 to 2017.*
- D. Salary record of the workman w.e.f. 2013 till 2017."*

14. *Vide* order dated 27.11.2021, the learned Labour Court allowed the said application and directed the Respondent to produce the aforementioned documents. The Respondent thereafter placed the said documents on record. Notably, none of the documents so produced reflected the name of the Petitioner, thereby further strengthening the Respondent's case that no employer - employee relationship ever existed between the parties.

15. In May 2022, the Petitioner filed his affidavit by way of evidence,



reiterating the averments made in the Statement of Claim and asserting that an employer–employee relationship existed between the parties. However, even at that stage, he failed to place on record any documentary material to substantiate the existence of such an employer - employee relationship.

16. On 05.08.2023, the Petitioner was cross-examined. During cross-examination, he *inter-alia* stated that: (i) he had not issued any written notice to the Management demanding salary or protesting his alleged illegal termination; (ii) his duty as a chowkidar was limited to checking whether the locks of the three gates of the factory were properly secured; (iii) he, for the first time, demanded his salary in the year 2015; (iv) he used to sell tea from a ‘raidi’ situated on Government land outside his room/ Respondent’s factory; and (v) there was no specific shift/ working hours of his duty.

17. *Vide* the Impugned Award dated 25.01.2024, the learned Labour Court dismissed the claim of the workman, holding that no employer - employee relationship existed between the parties. The learned Labour Court relied upon the admissions of the Petitioner made during cross-examination, observing *inter alia* that:

- (i) The Petitioner was running a tea stall outside the premises of the Respondent and was paying rent of Rs. 5,000 - 6,000 per month for the room;
- (ii) He continued selling tea even during the time he claimed to be performing duties as a chowkidar;
- (iii) His alleged duties were confined to checking whether the three gates were properly locked;
- (iv) There were no fixed working hours or shifts assigned to him.



18. The Impugned Award further records that if the Petitioner was genuinely entitled to a monthly salary of Rs. 8,000/-, he would have sought adjustment of the alleged unpaid salary against the rent payable for the room. However, it stood admitted in his cross-examination that he was regularly paying rent to the Respondent.

19. Aggrieved thereby, the present petition has been filed on 13.02.2026 by the workman seeking quashing of the Impugned Award dated 25.01.2024 and, in the alternative, remand of the matter to the learned Labour Court for fresh consideration of the evidence on record.

ANALYSIS AND CONCLUSION:

20. I have heard learned counsel for the Petitioner and perused the material on record.

21. At the outset, it is well settled that in exercise of jurisdiction under Articles 226 and 227 of the Constitution of India, this Court does not sit as a Court of appeal over findings of fact rendered by the Labour Court. Interference is warranted only where the findings are perverse, based on no evidence, suffer from patent illegality, or disclose a jurisdictional error.

22. Reassessment of factual findings, credibility of witnesses, or sufficiency of evidence lies within the exclusive domain of the adjudicating Labour Court. Reference may be made to the dicta laid down in ***P.G.I. of Medical Education & Research v. Raj Kumar***, (2001) 2 SCC 54, wherein the Supreme Court held as follows:

9. The Labour Court being the final court of facts came to a conclusion that payment of 60% wages would comply with the requirement of law. The finding of perversity or being erroneous or not in accordance with law shall have to be recorded with reasons in order to assail the finding of the Tribunal or the Labour Court. It is not for the High Court to go into the factual aspects of the matter and there is an existing limitation



on the High Court to that effect. In the event, however the finding of fact is based on any misappreciation of evidence, that would be deemed to be an error of law which can be corrected by a writ of certiorari. The law is well settled to the effect that finding of the Labour Court cannot be challenged in a proceeding in a writ of certiorari on the ground that the relevant and material evidence adduced before the Labour Court was insufficient or inadequate though, however, perversity of the order would warrant intervention of the High Court. The observation, as above, stands well settled since the decision of this Court in Syed Yakoob v. K.S. Radhakrishnan [AIR 1964 SC 477 : (1964) 5 SCR 64] .

23. In ***Dinesh Kumar and Others v. Central Public Works Department and Others***, 2023 SCC OnLine Del 6518, after examining the scope of interference under Articles 226 and 227 of the Constitution in matters involving findings of fact returned by a Labour Court/ Industrial Tribunal, reaffirmed that reappreciation of evidence is impermissible in writ proceedings unless the findings are shown to be perverse, based on no evidence, or vitiated by a manifest error of law. It was thus observed as follows:

“11. The Hon'ble Supreme Court in paragraph 17 of the judgment in Indian Overseas Bank v. I.O.B. Staff Canteen Workers' Union, (2000) 4 SCC 245, has held as under:

“17. The learned Single Judge seems to have undertaken an exercise, impermissible for him in exercising writ jurisdiction, by liberally reappreciating the evidence and drawing conclusions of his own on pure questions of fact, unmindful, though aware fully, that he is not exercising any appellate jurisdiction over the awards passed by a tribunal, presided over by a judicial officer. The findings of fact recorded by a fact-finding authority duly constituted for the purpose and which ordinarily should be considered to have become final, cannot be disturbed for the mere reason of having been based on materials or evidence not sufficient or credible in the opinion of the writ court to warrant those findings, at any rate, as long as they are based upon some material which are relevant for the purpose or even on the ground that there is yet another view which can reasonably and possibly be taken The only course, therefore, open to the writ Judge was to find out the satisfaction or otherwise of the relevant criteria laid down



by this Court, before sustaining the claim of the canteen workmen, on the facts found and recorded by the fact-finding authority and not embark upon an exercise of reassessing the evidence and arriving at findings of one's own, altogether giving a complete go-by even to the facts specifically found by the Tribunal below.”

12. The Hon'ble Supreme Court in the aforesaid case has held that the findings of fact recorded by a fact finding authority (Tribunal) duly constituted for the purpose becomes final unless the findings are perverse or based upon no evidence. The jurisdiction of the High Court in such matters is quite limited.

13. The Hon'ble Supreme Court has taken a similar view in *Hari Vishnu Kamath v. Ahmed Ishaque*, AIR 1955 SC 233, inter alia held as under:

“21. ... On these authorities, the following propositions may be taken as established : (1) Certiorari will be issued for correcting errors of jurisdiction, as when an inferior Court or Tribunal acts without jurisdiction or in excess of it, or fails to exercise it. (2) Certiorari will also be issued when the court or Tribunal acts illegally in the exercise of its undoubted jurisdiction, as when it decides without giving an opportunity to the parties to be heard or violates the principles of natural justice. (3) The court issuing a writ of certiorari acts in exercise of a supervisory and not appellate jurisdiction. One consequence of this is that the court will not review findings of fact reached by the inferior court or tribunal, even if they be erroneous. This is on the principle that a court which has jurisdiction over a subject-matter has jurisdiction to decide wrong as well as right, and when the legislature does not choose to confer a right of appeal against that decision, it would be defeating its purpose and policy if a superior court were to rehear the case on the evidence and substitute its own findings in certiorari. These propositions are well-settled and are not in dispute.

23. It may therefore be taken as settled that a writ of certiorari could be issued to correct an error of law. But it is essential that it should be something more than a mere error; it must be one which must be manifest on the face of the record. ... The fact is that what is an error apparent on the face of the record cannot be defined precisely or exhaustively, there being an element of indefiniteness inherent in its very nature, and it must be left to be determined judicially on the facts of each case.”

14. In *Dharangadhara Chemical Works Ltd. v. State of Saurashtra*, 1957 SCR 152, the Supreme Court, once again observed that where the Tribunal having jurisdiction to decide a question comes to a finding of



fact, such a finding is not open to question under Article 226, unless it could be shown to be wholly unsupported by evidence.

15. In Management of Madurantakam Coop. Sugar Mills Limited v. S. Viswanathan, (2005) 3 SCC 193, the Apex Court, held that the Labour Courts/Industrial Tribunals as the case be is the final court of facts, unless the same is perverse or not based on legal evidence, which is when the High Courts can go into the question of fact decided by the Labour Court or the Tribunal. But before going into such an exercise it is imperative that the High Court must record reasons why it intends reconsidering a finding of fact. In the absence of any such defect, the writ court will not enter the realm of factual disputes and finding given thereon.

16. In a Constitution Bench judgment of the Supreme Court in Syed Yakoob v. K.S. Radhakrishnan, AIR 1964 SC 477, the Apex Court has inter alia held as under:

“7. The question about the limits of the jurisdiction of High Courts in issuing a writ of certiorari under Article 226 has been frequently considered by this Court and the true legal position in that behalf is no longer in doubt. A writ of certiorari can be issued for correcting errors of jurisdiction committed by inferior courts or tribunals : these are cases where orders are passed by inferior courts or tribunals without jurisdiction, or is in excess of it, or as a result of failure to exercise jurisdiction. A writ can similarly be issued where in exercise of jurisdiction conferred on it, the Court or Tribunal acts illegally or properly, as for instance, it decides a question without giving an opportunity, be heard to the party affected by the order, or where the procedure adopted in dealing with the dispute is opposed to principles of natural justice. There is, however, no doubt that the jurisdiction to issue a writ of certiorari is a supervisory jurisdiction and the Court exercising it is not entitled to act as an appellate Court. This limitation necessarily means that findings of fact reached by the inferior Court or Tribunal as a result of the appreciation of evidence cannot be reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be. In regard to a finding of fact recorded by the Tribunal, a writ of certiorari can be issued if it is shown that in recording the said finding, the tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which has influenced the impugned finding. Similarly, if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a writ of certiorari. In



dealing with this category of cases, however, we must always bear in mind that a finding of fact recorded by the Tribunal cannot be challenged in proceedings for a writ of certiorari on the ground that the relevant and material evidence adduced before the Tribunal was insufficient or inadequate to sustain the impugned finding. The adequacy or sufficiency of evidence led on a point and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal, and the said points cannot be agitated before a writ court. It is within these limits that the jurisdiction conferred on the High Courts under Article 226 to issue a writ of certiorari can be legitimately exercised (vide Hari Vishnu Kamath v. Syed Ahmed Ishaque, Nagendra Nath Bora v. Commissioner of Hills Division and Appeals, Assam, and Kaushalya Devi v. Bachittar Singh.

8. It is, of course, not easy to define or adequately describe what an error of law apparent on the face of the record means. What can be corrected by a writ has to be an error of law; but it must be such an error of law as can be regarded as one which is apparent on the face of the record. Where it is manifest or clear that the conclusion of law recorded by an inferior Court or Tribunal is based on an obvious misinterpretation of the relevant statutory provision, or sometimes in ignorance of it, or may be, even in disregard of it, or is expressly rounded on reasons which are wrong in law, the said conclusion can be corrected by a writ of certiorari. In all these cases, the impugned conclusion should be so plainly inconsistent with the relevant statutory provision that no difficulty is experienced by the High Court in holding that the said error of law is apparent on the face of the record. It may also be that in some cases, the impugned error of law may not be obvious or patent on the face of the record as such and the Court may need an argument to discover the said error; but there can be no doubt that what can be corrected by a writ of certiorari is an error of law and the said error must, on the whole, be of such a character as would satisfy the test that it is an error of law apparent on the face of the record. If a statutory provision is reasonably capable of two constructions and one construction has been adopted by the inferior Court or Tribunal, its conclusion may not necessarily or always be open to correction by a writ of certiorari. In our opinion, it is neither possible nor desirable to attempt either to define or to describe adequately all cases of errors which can be appropriately described as errors of law apparent on the face of the record. Whether or not an impugned error is an error of law and an error of law which is apparent on the face of the record, must always depend upon the facts and circumstances of each case and upon the



nature and scope of the legal provision which is alleged to have been misconstrued or contravened.”

17. The Hon'ble Supreme Court has in the aforesaid case again dealt with scope of interference by High Court in respect of finding of fact arrived at by Tribunals and in light of the aforesaid judgment, the question of interference by this Court does not arise.

18. The Hon'ble Supreme Court in State of Haryana v. Devi Dutt, (2006) 13 SCC 32, has held that the writ Court can interfere with the factual findings of fact only if in case the Award is perverse; the Labour Court has applied wrong legal principles; the Labour Court has posed wrong questions; the Labour Court has not taken into consideration all the relevant facts; or the Labour Court has arrived at findings based upon irrelevant facts or on extraneous considerations.

19. In the present case, the Labour Court has arrived at a conclusion based upon the evidence adduced by the parties and the learned Single Judge has affirmed the findings of fact again after minutely scanning the entire evidence, and therefore, the question of interference by this Court does not arise.

20. The supervisory jurisdiction of the High Courts under Article 227 of the Constitution of India, was discussed by the Supreme Court in Mohd. Yunus v. Mohd. Mustaqim, (1983) 4 SCC 566, whereby it was, inter alia, held as under:

“7. The supervisory jurisdiction conferred on the High Courts under Article 227 of the Constitution is limited “to seeing that an inferior court or tribunal functions within the limits of its authority”, and not to correct an error apparent on the face of the record, much less an error of law. In this case there was, in our opinion, no error of law much less an error apparent on the face of the record. There was no failure on the part of the learned Subordinate Judge to exercise jurisdiction nor did he act in disregard of principles of natural justice. Nor was the procedure adopted by him not in consonance with the procedure established by law. In exercising the supervisory power under Article 227, the High Court does not act as an appellate court or tribunal. It will not review or reweigh the evidence upon which the determination of the inferior court or tribunal purports to be based or to correct errors of law in the decision.”

21. Furthermore, in Khalil Ahmed Bashir Ahmed v. Tufelhussein Samasbhai Sarangpurwala, (1988) 1 SCC 155, the Supreme Court held as under:



“13. The intention here is manifest. In any event this is a possible view that could be taken. This Court in Venkatlal G. Pittie v. Bright Bros. (P) Ltd. [(1987) 3 SCC 558] and Beopar Sahayak (P) Ltd. v. Vishwa Nath [(1987) 3 SCC 693] held that where it cannot be said that there was no error apparent on the face of the record, the error if any has to be discovered by long process of reasoning, and the High Court should not exercise jurisdiction under Article 227 of the Constitution. See in this connection the observations of this Court in Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale [AIR 1960 SC 137 : (1960) 62 Bom LR 146]. Where two views are possible and the trial court has taken one view which is a possible and plausible view merely because another view is attractive, the High Court should not interfere and would be in error in interfering with the finding of the trial court or interfering under Article 227 of the Constitution over such decision.”

22. In light of the aforesaid judgment, a finding of fact made by a Tribunal which has the jurisdiction to make such finding cannot be questioned by the High Court exercising writ jurisdiction unless the finding is shown to be perverse or entirely unsupported by evidence. Under these circumstances, this Court has no hesitation in holding that the Ld. Single Judge rightly dismissed the writ petition filed by the Appellant.”

24. The primary issue before the learned Labour Court was whether an employer - employee relationship existed between the parties. The burden to establish such relationship squarely lay upon the workman. Mere assertion of employment is insufficient; the same must be proved by cogent and reliable evidence.

25. In the present case, despite opportunity being granted, the Petitioner failed to produce any documentary evidence demonstrating his engagement as a Chowkidar by the Respondent. On the contrary, pursuant to the order passed under Section 11 of the ID Act, the Respondent produced attendance registers, leave records and salary records for the relevant period, none of which reflected the name of the Petitioner in its rolls.



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26. The learned Labour Court has also relied upon the admissions made by the Petitioner during cross-examination, wherein he admitted *inter-alia* that:

- (i) He had not issued any written notice demanding salary or protesting against the alleged illegal termination;
- (ii) His alleged duty was confined merely to checking whether the locks of the three gates of the Respondent's factory were secured;
- (iii) There were no fixed working hours or assigned shifts;
- (iv) He was operating a tea stall outside the factory premises; and
- (v) He was paying rent of Rs. 5,000 - 6,000 per month for the room occupied by him.

27. These admissions materially undermine the Petitioner's case. If he had indeed been employed since the year 2013 at a monthly salary of Rs. 8,000/-, it is improbable that no written demand would have been raised for years together, particularly when the case pleaded is of continuous non-payment of salary. The absence of fixed duty hours and the admitted independent commercial activity of running a tea stall further dilute the claim of regular employment.

28. The learned Labour Court also took note of the circumstance that the alleged unpaid salary was never sought to be adjusted against the rent payable by the Petitioner, and that he continued to pay rent regularly. This was considered as a relevant factor while evaluating the veracity of the Petitioner's version.

29. The findings recorded in the Impugned Award are based on appreciation of oral and documentary evidence placed on record. This Court finds that the conclusions drawn are neither perverse nor based on no



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evidence. The reasoning adopted by the learned Labour Court is plausible and supported by material on record.

30. In the garb of the present writ petition, the Petitioner essentially seeks re-appreciation of evidence and reconsideration of factual findings. Such an exercise is impermissible within the limited scope of judicial review under Articles 226/227 of the Constitution of India. This Court cannot substitute its own assessment for the considered view taken by the Labour Court.

31. In view of the foregoing, this Court is of the considered opinion that no ground is made out for interference with the Impugned Award dated 25.01.2024.

32. The petition is accordingly dismissed. Pending application/s, if any, also stand disposed of.

SACHIN DATTA, J

FEBRUARY 16, 2026/ka