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

\+ W.P.(C) 7280/2023

BRIJ KISHORE PRASAD .....Petitioner

Through: Ms. Aakanksha Kaul, Advocate

versus

GOVT OF NCT OF DELHI AND ANR .....Respondents

Through: Ms. Rachita Garg and Mr. Agam Rajput, Advocates for respondent no.1.

Mr.. Divjyot Singh and Mr. Deepak Sinha, Advocates for respondent no.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

O R D E R

% 23.04.2026

1. The present writ petition under Articles 226/227 of the Constitution of India has been preferred by the petitioner-workman assailing the Award dated 09.01.2023 passed by the learned Presiding Officer, Labour Court, Rouse Avenue Courts, New Delhi, whereby the claim of the petitioner seeking reinstatement with back wages and other consequential benefits has been rejected.

2. The brief facts, as borne out from the record, are that the petitioner claimed to have been engaged by Respondent No. 2 as a helper-cum-field worker sometime in January 2011. According to him, he was paid a monthly remuneration of Rs. 8,000/- and was also receiving certain incentives through cheques from *M/s Colgate Palmolive India Ltd*. It was his case that despite rendering continuous service, he was neither issued any appointment letter nor extended statutory benefits such as ESI, PF, bonus, etc.

3. The petitioner further alleged that upon demanding his lawful dues, his services were terminated orally on 05.01.2012 without issuance of any notice, charge-sheet, or retrenchment compensation, and even his earned wages for the period between 11.12.2011 to 05.01.2012 were withheld. A demand notice dated 14.02.2012 was issued, which allegedly went unanswered, leading to initiation of conciliation proceedings and eventual reference to the Labour Court.

4. A perusal of the record of the Labour Court reveals that the proceedings did not progress in a smooth manner, largely on account of lapses on the part of the petitioner. Initially, the notice issued to the management remained unserved due to an incorrect description of the management, which was later sought to be corrected by way of a corrigendum after considerable delay. A perusal of the order sheets of the Labour Court record shows that the proceedings could not progress for a considerable period on account of non-service of the management due to incorrect description. On 19.02.2014, it was recorded that the notice issued to the management had been received back unserved with the report that the correct name of the management was *M/s R.K. Enterprises* and not *M/s R.K. Industries*, and the workman sought time to obtain a corrigendum. Thereafter, on successive dates including 06.05.2014, 22.08.2014 and 01.12.2014, the Court noted that the management remained unserved and the corrigendum had not been received. Even subsequently, on 13.01.2016 and 19.02.2016, it was again recorded that the corrigendum was still awaited. It is only on 07.09.2016 that the corrigendum was finally received and taken on record, whereupon notice was directed to be issued to the management under its correct name.

Upon eventual service, the management appeared and contested the claim by filing its written statement. Evidence was thereafter led by both parties. The petitioner examined himself as WW-1, while the management examined its witness as MW-1.

5. The Labour Court, upon appreciation of pleadings and evidence, came to the conclusion that the petitioner had failed to establish that he had worked for 240 days in the year preceding the alleged termination. The Court further found that the petitioner had not been able to produce any documentary evidence in support of his claim of continuous employment and that his case rested primarily on his own oral assertions. Consequently, the Labour Court held that the petitioner had failed to discharge the initial burden cast upon him and dismissed the claim.

6. Learned counsel for the petitioner submits that the impugned Award is erroneous inasmuch as the Labour Court has failed to appreciate that the respondent-management had admitted the petitioner's employment as a helper-cum-field worker. It is contended that in view of such admission, the burden to prove the exact nature and duration of employment shifted upon the management, which failed to produce any records. It is further submitted that the petitioner's services were terminated illegally and without compliance of statutory provisions, and the finding that the petitioner failed to prove 240 days of service is unsustainable, particularly in the absence of any records maintained or produced by the management.

7. Learned counsel for the respondents supports the impugned Award and submits that the petitioner failed to discharge the initial burden of proving continuous service of 240 days. It is contended that no documentary evidence was produced by the petitioner, and the Labour Court has rightly

appreciated the evidence on record. It is further submitted that the scope of interference under Article 226 is limited and does not permit re-appreciation of evidence, and since the findings are based on material on record, no interference is called for.

8. At this stage, it is apposite to reiterate the principles governing the exercise of writ jurisdiction in matters arising from industrial adjudication. It is well settled that the scope of interference under Article 226 of the Constitution is limited. In *Syed Yakoob v. K.S. Radhakrishnan*[1], the Supreme Court held that a writ of certiorari can be issued only to correct jurisdictional errors or errors apparent on the face of the record, and not to re-appreciate evidence or substitute findings of fact recorded by a competent tribunal. This principle has been consistently followed, and in *Management of Madurantakam Coop. Sugar Mills Ltd. v. S. Viswanathan*[2], it was reiterated that findings of fact recorded by the Labour Court, if based on evidence, ought not to be interfered with merely because another view is possible. Similarly, in *International Airport Authority of India v. International Air Cargo Workers' Union*[3], it was held that the High Court, in exercise of its writ jurisdiction, cannot sit in appeal over such findings or reappreciate evidence, so long as the conclusions are based on material on record and are not perverse. More recently, in *R.M. Yellatti v. Assistant Executive Engineer*[4], the Supreme Court clarified that although strict rules of evidence may not apply in industrial adjudication, the workman must nonetheless lead cogent evidence to establish completion of 240 days of service, and mere

[1] (AIR 1964 SC 477)
[2] (2005) 3 SCC 193
[3] (2009) 13 SCC 374
[4] (2006) 1 SCC 106

self-serving statements would not suffice. The burden to establish such continuous service lies squarely upon the workman.

9. In the present case, the petitioner has failed to produce any documentary evidence such to substantiate his claim of continuous employment. The documents relied upon by the petitioner, including certain cheques, at best indicate isolated payments and do not, by themselves, establish continuity of service.

10. The contention that the management admitted the employment of the petitioner also does not materially advance his case. An admission, even if assumed, only establishes the factum of engagement but does not *ipso facto* prove the duration or continuity of service so as to attract the statutory threshold of 240 days.

11. In the present case, no such exceptional circumstance is made out warranting interference by this Court in exercise of its writ jurisdiction.

12. Keeping in mind the settled legal position as enunciated in the aforesaid judgments, this Court is of the considered opinion that the learned Labour Court has correctly appreciated the evidence on record and applied the settled principles of law. The findings returned are based on material available on record and cannot be said to be perverse, illegal or suffering from any jurisdictional error so as to warrant interference under Article 226 of the Constitution.

13. Accordingly, the present writ petition is dismissed. Pending applications, if any, also stand disposed of.

MANOJ KUMAR OHRI, J

APRIL 23, 2026/*rd*