

(1996) 03 DEL CK 0001

In the Delhi High Court

Case No : Civil Writ Appeal No. 1202 of 1996

Madho Ram

APPELLANT

Vs

P.K. Jain

RESPONDENT

Date of Decision : 25-03-1996

Acts Referred:

Industrial Disputes Act, 1947 — Section 10(4)

Citation : (1996) 62 DLT 540

Hon'ble Judges : J.K. Mehra, J

Bench : Single Bench

Advocate : D.N. Vohra, for the Appellant;

Judgement

J.K. Mehra, J.

(1) In the present petition, the award of the Tribunal has been impugned. The dispute referred is as under :-

"WHETHER the services of Sh. Madhav Ram have been terminated illegally and/or unjustifiably, if so, to what relief is he entitled and what directions are necessary in this respect?"

(2) Counsel states that the Tribunal also tried to enlarge the scope of the terms of reference by adjudicating that there was no relationship of employer and employee between the parties. I am unable to accept this because the matters which are incidental to the dispute and for the final determination of the dispute, can be gone in to and adjudicated upon by the Tribunal u/s 10(4) of the Industrial Disputes Act. In case, the existence of employer-employee relationship is disputed, it would certainly be a matter incidental to the dispute referred for adjudication.

(3) The only evidence to which the Counsel has drawn my attention to about the employment is the cross-examination of the Management witness where he has admitted that the workman had worked for one week only in 1977 and thereafter

he never came. The dispute admittedly was raised in 1981. The workman had not worked throughout the intervening period. Counsel contends that the Tribunal had erred in ignoring the said evidence and dreading the matter on the basis of oilier evidence. That would be a matter of appraisal of evidence. It is not a case c. conclusions being based on no evidence or the finding being so perverse that no reasonable man could reach such a conclusion. I see no merit in this ground also. I do not see any infirmity in the Award.