

(2009) 08 DEL CK 0301

In the Delhi High Court

Case No : Writ Petition (C) No. 5396 of 2008

Shri Umesh Chand Sharma

APPELLANT

Vs

Jeevan Service Station

RESPONDENT

Date of Decision : 11-08-2009

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2009) 08 DEL CK 0301

Hon'ble Judges : S.N. Aggarwal, J

Bench : Single Bench

Advocate : Anuj Aggarwal, for the Appellant; Nemo, for the Respondent

Final Decision : Dismissed

Judgement

S.N. Aggarwal, J.—This writ petition filed by the workman is directed against an award dated 25.11.2006 passed by Ms. Nisha Saxena, Presiding Officer, Labour Court-XXI, Delhi, by which no relief has been given to him for alleged termination of his services by the management of the respondent.

2. Heard.

3. As per the case of the petitioner, he was appointed as a Helper by the respondent w.e.f. 01.05.1990 and was terminated by the respondent without any inquiry w.e.f. 12.04.1995. However, as per the management, the petitioner was appointed at a salary of Rs. 1,800/- per month w.e.f. 01.04.1994 and he had resigned of his own on 12.04.1995 and had settled his account with the respondent vide voucher dated 13.04.1995. The management has proved the appointment letter (Exhibit MW-2/1), resignation letter (Exhibit MW-2/3) and the settlement vouchers dated 13.04.1994 (Exhibit MW-2/4) and 20.04.1995 (Exhibit MW-2/5) in its evidence before the Labour Court. The petitioner had denied his signatures on the resignation letter and also on the vouchers (Exhibit MW-2/3 to Exhibit MW-2/5). The management in its evidence produced before the Labour Court has examined handwriting expert, Mr. S.P. Singh, who has approved that

the resignation letter and the vouchers bears the genuine signature of the workman (petitioner herein). The Court below, relying upon the two judgments in the impugned award, has held that the workman has failed to prove that the resignation letter and the settlement vouchers do not bear his signatures as alleged by him.

4. The issue before the Court below was whether the respondent has terminated the services of the petitioner, as alleged by him or had he resigned the services of the respondent on his own. The Labour Court after considering the evidence produced by the parties before it came to the conclusion that the petitioner had resigned the services of the respondent of his own and had already settled his account before raising the industrial dispute.

5. I do not find any illegality, infirmity or perversity in the impugned award that may call for an interference by this Court in exercise of its extraordinary discretionary writ jurisdiction under Article 226 of the Constitution. This writ petition, therefore, fails and is hereby dismissed in limine.

6. LCR be sent back.