



2026:DHC:7406



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 1st September, 2026

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CNR No. DLHC015619142015

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W.P.(C) 10586/2015 & CM APPL. 26868/2015**KRISHAN KUMAR**

.....Petitioner

Through: Mr. Atul Kumar, Adv. with the
petitioner in person.

versus

THE STATE GOVT. OF NCT OF DELHI**& ANR**

.....Respondents

Through: Mr. Om Prakash Gupta, Adv.
for R-2.**CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. Through the present writ petition, the petitioner challenges the award dated 01.06.2015 ('**impugned award**'), passed by the learned Presiding Officer, Labour Court No. XVII, Karkardooma Courts, Delhi, in ID No. 02/11, pursuant to which his claim that he was illegally terminated was rejected.
2. Succinctly stated, the Petitioner raised an industrial dispute claiming that he was hired as a Caretaker in the year 2002 by Respondent No. 2 school, that is, D.A.V. Public School, Pusa Road, New Delhi and was illegally terminated on 01.12.2009. He further claimed that he was drawing a salary of ₹8,000/- per month.
3. The Respondent contested the claim and stated that no



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employer-employee relationship existed between the parties as the Petitioner had never worked with the Respondent. Undisputedly, the Petitioner had at the time of alleged termination, already crossed the age of 60 years.

4. Aggrieved by the termination, the workman raised an industrial dispute. On 19.12.2011, issues were framed, which are reproduced herein below:

- “1. Whether this Court has the jurisdiction to entertain and try the present claim? OPW*
- 2. Whether the management is an “industry” as defined under Section 2(j) of the Industrial Disputes Act? OPW*
- 3. Whether there is relationship of employer and employee between the parties? OPW*
- 4. Whether the claimant attained the age of retirement? If so, its effect? OPM*
- 5. As per terms of reference”*

5. The learned Labour Court took note of the evidence led by the parties. The Petitioner tendered his Affidavit of Evidence as Ex. WW1/1 and relied upon Appointment Letter dated 01.01.2004 Ex. (WW1/A); Certificate issued by the Headmistress dated 17.04.2009 (Ex. WW1/B). He further examined two witnesses i.e. Mr. Y.B. Soni as WW2 claiming to be President of Respondent No. 2 school and Mr. Manohar Lal Kohli as WW3 claiming to be the Principal of the School during the contemporaneous time.

6. WW2 -Mr. V.B. Soni deposed that, in his capacity as the President of Respondent No. 2, he issued the Petitioner an appointment letter dated 01.01.2004 (Ex. WW1/A), and that the Petitioner was a regular employee who drew salary from the school.



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He further stated that he had issued the certificate dated 29.08.2005 (Ex. WW2/A) authorising him to represent the school in criminal and labour matters, and identified the signature of Ms. Promila Verma, then Headmistress of the school, on the certificate Ex. WW1/B.

7. The petitioner's second witness, *WW3-Mr Manohar Lal Kohli* deposed that he had served as Principal of the school from 1996 to 1998, and thereafter as Joint Secretary of the management and Manager of the School Managing Committee from 1999 to 2009 and affirmed that Mr Soni was President of the Managing Committee. He further stated that he had seen Ms. Promila Verma write and sign and thus, could identify her signatures at Point A of the Certificate Ex/ WW1/B. He also identified signatures of *WW2 -Mr. V.B. Soni* at Point A on Appointment Letter i.e. Ex. WW1/A and Authorization Letter i.e. WW2/A.

8. The Respondent School also examined two witnesses. *MW1-Ms Uma Arora @ Alka Arora*, claimed that she was the headmistress since December, 1989 and deposed that the workman was never an employee and no demand notice was ever sent. She also claimed that there was no post of *caretaker* in the school. She had relied upon several documents including the PF record of the employees which did not reflect the name of the Petitioner.

9. *MW2-Mr. Madan Lal*, Senior Social Security Assistant, PF Department, produced the summoned record of registration and contribution of employees of the school under the EPF Scheme, 1952, from the date of enrolment till December 2009 (Ex. MW2/1) and deposed that the workman's name did not figure anywhere therein.



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10. *Vide* the impugned Award dated 01.06.2015, the learned Labour Court, while adjudicating the reference, *firstly*, held that the Respondent had failed to establish that there existed any employer employee relationship. It was observed that the authority of WW2 to issue the Appointment Letter was in question as he has not placed anything on record to prove that he was the President of the School or competent to issue such a letter. Additionally, the Appointment letter is of 2004 when the Petitioner had claimed to be working since 2002. Further, the appointment in big Institutes is generally not done by one person and if the appointment was done by the Managing Committee after passing a resolution, it has not been shown that the WW2 was a member of the committee. Even, WW3, who had claimed to be the principal of the school, clarified in the cross-examination that he was the Principal of G.D. Soni DAV Senior Secondary School and not of the Respondent DAV Public School. Additionally, though the Petitioner had claimed that his gross salary in Rs. 8000/- p.m. and Rs. 7,250/- after PF/ESI/Funds deduction, however, the PF Record Ex. MW2/1 does not reflect the name of the Petitioner. *Secondly*, it was held that since the Petitioner failed to prove he was a workman, the question of illegal termination did not arise. *Lastly*, as regards the age of the Petitioner, it was held that the workman had already attained the age of superannuation prior to his termination as he was 62 years of age when his services were terminated. Hence, it was concluded that the Petitioner is not entitled to any relief.

11. Aggrieved thereby, the present petition.



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12. The learned counsel for the Petitioner/workman has essentially urged that his engagement stood duly proved through the appointment letter dated 01.01.2004 (Ex. WW1/A) and the certificate dated 17.04.2009 issued by the then Headmistress (Ex. WW1/B). He further contends that there was no age of superannuation applicable to the workman's engagement or termination, and that in any event, the petitioner had continued to work till the age of 62 years, which is already beyond the very age of superannuation (60 years).

13. *Per contra*, learned counsel for Respondent No. 2 submits that the relationship of an employer-employee between the workman and Respondent No. 2 is disputed, and that the workman has failed to discharge the burden of proving the relationship of employee and employer, which lay squarely upon him. In any case, the Petitioner is more than 70 years old now, thus, the writ petition, is liable to be dismissed.

14. I have heard both the parties and perused the material placed on record.

15. At the outset, it is apposite to mention that in exercise of jurisdiction under Articles 226 and 227 of the Constitution, this Court does not sit as a Court of appeal over the findings recorded by the Labour Court/Tribunals. Interference is warranted only where the findings suffer from patent perversity, are based on no evidence, or are such that no reasonable person could have arrived at them. Merely because another view on the evidence is possible would not justify interference. Reference in this regard may be made to the judgment in



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International Airport Authority of India v. International Air Cargo Workers Union : (2009) 13 SCC 374 where the Hon'ble Apex Court held as under: -

“47. It is true that in exercising the writ jurisdiction, the High Court cannot sit in appeal over the findings and award of the Industrial Tribunal and therefore, cannot reappreciate evidence. The findings of fact recorded by a fact-finding authority should ordinarily be considered as final. The findings of the Tribunal should not be interfered with in writ jurisdiction merely on the ground that the material on which the Tribunal had acted was insufficient or not credible.

48. It is also true that as long as the findings of fact are based on some materials which are relevant, findings may not be interfered with merely because another view is also possible. But where the Tribunal records findings on no evidence or irrelevant evidence, it is certainly open to the High Court to interfere with the award of the Industrial Tribunal.”

16. Turning our gaze to the present case, it emerges from the record that all the contentions raised have already been addressed in detail by the learned Labour Court after analysing the evidence placed on record. The foundational question was whether the Respondent established that he was an employee of the Petitioner/Bank.

17. As discussed in detail in the preceding paragraphs, the Respondent had failed to establish that there existed any employer employee relationship. Though reliance was placed upon Appointment Letter and Certificate issued by the Headmistress, the Petitioner could not prove that the same were issued by competent authorities. Though claimed that he has been working since 2002., no appointment letter



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of the year 2002 has been placed forth. Additionally, WW3 also did not support the case of the Petitioner and stated in his cross examination that he never worked with the Respondent DAV Public School. Further, the Respondent has also placed forth the PF Record Ex. MW2/1 which did not reflect the name of the Petitioner.

18. Thus, on the basis of the above, the learned Labour Court has rightly concluded that the Petitioner has not placed on record any cogent document to establish that he was employed with the Respondent School and the view adopted is a plausible view. No document has been placed forth this Court to demonstrate any perversity in the findings arrived, as would warrant interference in exercise of the writ jurisdiction of this Court.

19. Even otherwise, as appropriately noted by the learned Labour Court, even if the workman's case is taken at the highest, the workman was 62 years of age at the time of his alleged termination in 2009 and would now be more than 70 years old. Therefore, even if it is accepted that the Management is not a Government institution, still the workman cannot claim any relief of reinstatement at this stage.

20. I, therefore, find no reason to interfere with the impugned award.

21. The present petition is, therefore, dismissed. Pending application also stands disposed of.

AMIT MAHAJAN, J

SEPTEMBER 1, 2026

'KDK'

Signature Not Verified

Signed By: SHIKHA
SEHGAL
Signing Date: 01.09.2026
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