



**HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT
JAIPUR**

S.B. Civil Writ Petition No. 13835/2013

CNR: RJHC020579062013 | URN: CW / 23786U / 2013

Girraj Prasad Sharma Son of Shri Jagdish Prasad Sharma, R/o
61/123, Rajat Path, Mansarovar, Jaipur.

----Petitioner

Versus

1. Library Officer, Govind Ballabh Pant Krishi Bhawan, Rajasthan,
Jaipur.
2. State of Rajasthan through Director, Agriculture, Chief
Controller, Agriculture Directorate, Krishi Pant Bhawan,
Rajasthan, Jaipur.

----Respondents

For Petitioner(s) : Mr. Iliyas Khan for
Mr. Tanveer Ahamad
For Respondent(s) : Mr. Hansraj Kuldeep, AGC

HON'BLE MR. JUSTICE ANUROOP SINGHI
Order

Date of Conclusion of Arguments	01.10.2026
Date on which judgment was reserved	01.10.2026
Whether the full judgment or only the operative part is pronounced	Full Judgment
Date of pronouncement	06.10.2026

CHALLENGE:-

1. The present writ petition has been filed assailing the award dated 02.04.2013 passed by learned Labour Court No.1, Jaipur, in L.C.R. No.82/2009, vide which the reference made by the State Government has been answered against the petitioner - workman, holding that no employer - employee relationship exists between the petitioner - workman and respondent(s) - employer and



consequently, the petitioner – workman has been held to be not entitled for any relief.

FACTS INVOLVED:-

2. The facts in brief leading to filing of the present writ petition are that pursuant to a reference made by the State Government being L.C.R. No.82/2009, the petitioner – workman filed a statement of claim before the learned Labour Court stating therein that he was initially appointed as a Computer Operator by respondent No.1 – Library Officer, Govind Ballabh Pant Krishi Bhawan, Rajasthan, Jaipur on 01.01.1999 and was subsequently appointed as Library Assistant-cum-Computer Operator.

It has been stated by the petitioner – workman that initially he was being paid a salary of Rs.1,800/- per month which was subsequently increased to Rs.3,000/- per month w.e.f. 01.01.2001 and thereafter, the petitioner - workman was retrenched w.e.f. 21.07.2007 in violation of the provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as "**the Act of 1947**") and despite the petitioner - workman having served the respondent(s) - employer for a period of more than 240 days in the preceding 12 months, neither any prior notice was served upon him nor any compensation *in lieu* thereof was paid to him.

3. In the reply filed by respondent(s) – employer, the facts stated in the statement of claim were vehemently denied and it was specifically stated that the petitioner – workman was never appointed by respondent(s) - employer and even the petitioner – workman has failed to place his appointment letter on record. It was also stated that the provisions of Sections 25-F, 25-G and





25-H of the Act of 1947 were not violated and the statement of claim deserved to be dismissed and the reference be answered accordingly.

4. The petitioner – workman produced himself as PW-1 and filed as many as 15 documents, which were marked as Exhibit W-1 to W-15. On behalf of the respondent(s) – employer, Mr. Kamal Narayan, Assistant Engineer (Record), Agricultural Department, was produced as AW-1 and two documents were filed, which were marked as Exhibits M-1 and M-2.

5. After considering the facts stated and evidence available on record, the learned Labour Court answered the reference holding that no employer - employee relationship existed between the petitioner – workman and the respondent(s) – employer and accordingly, the petitioner – workman has been held to be not entitled for any relief. Aggrieved by the said award, the present writ petition has been filed.

SUBMISSIONS ON BEHALF OF THE PETITIONER - WORKMAN:-

6. Mr. Iliyas Khan, learned counsel appearing on behalf of Mr. Tanveer Ahamad, learned counsel for the petitioner – workman, submits that the impugned award deserves to be interfered with as the same has been passed in sheer ignorance of the documents placed on record by the petitioner – workman, more particularly the experience certificate and the receipt of payment made by the respondent(s) - employer to the petitioner – workman which duly establishes that an employer - employee relationship existed between petitioner – workman and respondent(s) - employer.



7. Learned counsel submits that the stand of the respondent(s) – employer that the petitioner – workman was engaged through a placement agency viz. M/s Maharana Pratap Detective Agency is absolutely misconceived and the respondent(s) – employer has miserably failed to establish that the services of the petitioner – workman were engaged on contractual basis through the said placement agency.

8. Learned counsel submits that even the witness of the respondent(s) – employer has admitted that the petitioner – workman has been discharging work with the respondent(s) – employer w.e.f. 01.01.1999, which belies the stand of the respondent(s) – employer that the petitioner – workman was engaged through the above-mentioned placement agency, as the said placement agency itself was engaged only w.e.f. 17.04.1999, which is a date subsequent to the engagement of the petitioner – workman.

9. Learned counsel also submits that several documents filed by the petitioner – workman demonstrating the work performed by him which duly establish that the petitioner – workman had performed his services with the respondent(s) – employer, have also not been considered.

10. Learned counsel further submits that as the petitioner – workman was duly engaged by the respondent(s) – employer, his services could not have been retrenched without following the mandatory provisions of Section 25-F of the Act of 1947 as the petitioner – workman had worked for more than 240 days in the preceding year with the respondent(s) – employer.



Thus, learned counsel prays that the impugned award deserves to be set aside and the petitioner - workman deserves to be reinstated with full back wages and continuity of services.

SUBMISSIONS ON BEHALF OF THE RESPONDENT NO.1 - EMPLOYER :-

11. *Au contraire*, Mr. Hansraj Kuldeep, learned AGC, submits that the impugned award has been passed after duly considering the material available on record and a specific finding has been recorded by the learned Labour Court that the petitioner - workman has failed to place on record any appointment letter vide which he was appointed by the respondent(s) - employer or any document to demonstrate his attendance.

12. Learned counsel submits that the learned Labour Court has categorically recorded that no document has been placed on record by the petitioner - workman to establish that he had worked with the respondent(s) - employer till 21.07.2007 and in absence of any such document on record, it was rightly held that no employer - employee relationship existed between the petitioner - workman and the respondent(s) - employer.

13. Learned counsel further submits that in absence of any such material document on record and no evidence to substantiate that the petitioner - workman had been in continuous service with the respondent(s) - employer for more than 240 days in the preceding year, the findings recorded by the learned Labour Court cannot be faulted and accordingly, the writ petition deserves to be dismissed.



DISCUSSIONS AND FINDINGS:-

14. Heard learned counsel for the parties and perused the material available on record.

15. At the outset, it is imperative to note that the scope of interference in a writ petition which has been filed assailing an award passed by the learned Labour Court is limited, as the Writ Court does not sit as a Court of Appeal over the findings of fact rendered by the learned Labour Court. Interference is warranted only where the said findings are perverse, based on no evidence or disclose a jurisdictional error.

Guidance in this regard is taken from the judgment of Hon'ble Supreme Court in the case of **International Airport Authority of India Vs. International Air Cargo Workers Union** reported in **(2009) 13 SCC 374**, relevant paras 47 and 48 of which read 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."

(emphasis supplied)

16. Further, considering the similar facts and circumstances in the present matter, reliance is placed upon order dated



29.09.2026 passed by this Court in **S.B. Civil Writ Petition No.13273/2016** titled as **Ram Kishore Vs. Sachive, Rajasthan Awasan Mandal & Anr.,** relevant paras 12 to 15 of which read as under:-

"12. In absence of the petitioner establishing the foundational fact of his engagement with the respondents, the question of examining whether he had completed 240 days of service or whether the provisions of Sections 25F, 25G and 25H of the Act of 1947 were attracted, would not arise.

13. The learned Labour Court has further placed reliance upon the judgment of the Hon'ble Supreme Court in the case of **R.M. Yellatti Vs. Asstt. Executive Engineer**, reported in **(2006) 1 SCC 106**, wherein it has been held that the burden lies upon the workman to substantiate his case and merely because the employer has failed to adduce evidence, the same cannot operate to the advantage of the workman. Relevant paragraph of the said judgment reads as under: -

"17. Analysing the above decisions of this Court, it is clear that the provisions of the Evidence Act in terms do not apply to the proceedings under Section 10 of the Industrial Disputes Act. However, applying general principles and on reading the aforesaid judgments, we find that this Court has repeatedly taken the view that the burden of proof is on the claimant to show that he had worked for 240 days in a given year. This burden is discharged only upon the workman stepping in the witness box. This burden is discharged upon the workman adducing cogent evidence, both oral and documentary. In cases of termination of services of daily-waged earners, there will be no letter of appointment or termination. There will also be no receipt or proof of payment. Thus in most cases, the workman (the claimant) can only call upon the employer to produce before the court the nominal muster roll for the given period, the letter of appointment or termination, if any, the wage register, the attendance register, etc. Drawing of adverse inference ultimately would depend thereafter on the facts of each case. The above decisions however make it clear that mere affidavits or self-serving statements made by the claimant workman will not suffice in the matter of discharge of the burden placed by law on the workman to prove that he had worked for 240 days in a given year. The above judgments further lay down that mere non-production of muster rolls per se without any plea of suppression by the claimant workman will not be the ground for the Tribunal to draw an adverse inference against the management. Lastly, the above





judgments lay down the basic principle, namely, that the High Court under Article 226 of the Constitution will not interfere with the concurrent findings of fact recorded by the Labour Court unless they are perverse. This exercise will depend upon the facts of each case."

14. Thus, taking note of the facts and circumstances of the case, the findings recorded by the learned Labour Court and the law as laid down by the Hon'ble Supreme Court, this Court finds no illegality or infirmity in the impugned award dated 10.06.2015 so as to warrant any interference in exercise of its writ jurisdiction.

15. Consequently, the present writ petition is dismissed."

17. Adverting now to the facts of the present case, a bare perusal of the findings recorded in the impugned award reveals that the petitioner – workman has specifically admitted that neither has he produced any appointment letter nor any attendance register nor any order vide which he was retrenched by the respondent(s) – employer w.e.f. 21.07.2007. After taking note of the above facts, a specific finding has been recorded that no employer – employee relationship existed between the petitioner – workman and the respondent(s) – employer.

18. Though, a document Exhibit W-3 has been produced by the petitioner – workman to plead that a payment of Rs.15,873/- was made by the respondent(s) – employer to the petitioner – workman, however any such isolated or stray payment in absence of any corroborative evidence or pleading cannot establish that the said payment was made by the respondent(s) – employer to the petitioner – workman towards his salary. Thus, the said sole document cannot be read and considered so as to establish an employer – employee relationship between the petitioner – workman and respondent(s) – employer.





19. Also, while an experience-cum-attendance certificate dated 24.01.2004 has been placed on record by the petitioner – workman, nothing has been placed on record so as to establish that the petitioner – workman has actually worked for more than 240 days with the respondent(s) – employer during the 12 months preceding his termination so as to attract the protection under Section 25-F of the Act of 1947. Thus, it cannot be said that the petitioner – workman has discharged the burden of proof which requires a workman to establish that he has worked with his employer for more than 240 days during the 12 months preceding his retrenchment.

20. In absence of there being any pleading or document on record to establish that the petitioner – workman was in continuous service of the respondent(s) – employer for more than 240 days during the 12 months preceding the date of his termination, the initial onus of which lies upon the petitioner – workman, it cannot be said that the provisions of Section 25-F of the Act of 1947 have been violated and the alleged termination of the petitioner – workman was in any manner, illegal.

21. While the law laid down by the Hon'ble Supreme Court in the case of **Deepali Gundu Surwase Vs. Kranti Junior Adhyapak & Ors.** reported in **(2013) 10 SCC 324**, reliance upon which has been placed by learned counsel for the petitioner – workman, is not disputed, however, as the said case relates to non-holding of any inquiry and violation of principles of natural justice, the facts therein are absolutely distinguishable from the case in hand and therefore, the same will not render any assistance to the petitioner – workman.



22. Also, another judgment of the Hon'ble Supreme Court, upon which reliance has been placed upon by learned counsel for the petitioner – workman, in the case of **Amit Kumar Dubey Vs. M.P.P.K.V.V. Co. Ltd. & Anr.** passed in **SLP (Civil) No.20902/2024** dated 29.01.2025 provides for the quantum of compensation to be awarded in case violation of provisions of Section 25-F of the Act of 1947 is established, which is not the case herein.

23. Thus, considering the aforesaid discussion and for all the above reasons, the findings recorded by the learned Labour Court in its impugned award dated 02.04.2013 cannot be faulted and deserve no interference.

24. Consequently, the writ petition stands **dismissed**.

25. Pending application(s), if any, also stands disposed of.

(ANUROOP SINGHI),J

JAYANT KUMAR /