



2026:DHC:7658



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 08th September, 2026*

CNR No. DLHC010329862007

+ W.P.(C) 2434/2007

GURUDHIYAN SINGH RANAPetitioner

Through: Mr. R.S. Tomar, Adv.

versus

INDOMAG STEEL TECHNOLOGY LTD.....Respondent

Through: Dr. Lalit Bhasin, Ms. Nina
Gupta, Mr. Aditya Bhasin, Ms.
Vishali S. & Mr. Ajay Pratap
Singh, Advs.**CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. The present petition is filed under Articles 226/227 of the Constitution of India, assailing the award dated 16.12.2006 (hereinafter referred to as the ***"Impugned Award"***) passed in I.D. No. 382/1999. The Learned Labour Court, by the impugned award, held the termination to be not illegal or unjustified; hence, the workman was held to be not entitled to any relief.

2. Briefly stated, the workman/Petitioner was working as a *Driver* for the managing director of Respondent-Company from 20.07.1994 at a monthly salary of Rs. 3,000/- per month plus overtime at Rs.15/- per hour, and his last drawn wages were Rs. 4400/- per month.

3. It is the case of the workman that he was made to work for 12 hours and was only paid for 8 hours, and was denied the appointment



letter, leave book, weekly off and annual leave apart from the statutory benefits.

4. Thereafter, on 28.05.1998, the workman lodged a complaint before the Labour Department, Government of NCT of Delhi, through the General Mazdoor Trade Union, Giri Nagar, New Delhi. Pursuant thereto, the Labour Inspector visited the Respondent's premises on 12.06.1998. Subsequently, the services of the workman were terminated w.e.f. 31.05.1999. Aggrieved thereby, the workman, through the said General Mazdoor Trade Union, served a demand notice upon the Respondent on 01.06.1999, raising an industrial dispute regarding the illegal termination of his services.

5. On 15.06.1999, the workman raised an industrial dispute before the learned Conciliation Officer. Subsequently, vide Order dated 14.09.1999, the appropriate Government referred the dispute to the learned Labour Court for adjudication on the following terms of reference:

“Whether the services of Shri Gurudhiyan Singh Rana have been terminated illegally and/or unjustifiably by the management, and if so, to what relief is he entitled and what directions are necessary in this respect?”

6. The learned Labour Court framed issues, which are as follows:

- i) *Whether there was a relationship of employer and employee between the parties?*
- ii) *Whether services of the workman were terminated illegally and/or unjustifiably?*
- iii) *Relief.”*

7. The learned Labour Court, vide its impugned Award dated 16.12.2006, while adjudicating the issues referred to it, held that the



workman had failed to establish the existence of an employer-employee relationship between the parties. Consequently, the learned Labour Court held that no question of service arose, and that the termination of service could not be said to be illegal and/or unjustified.

8. Aggrieved thereby, the present petition has been filed.

9. The learned counsel for the workman submitted that the workman was employed as a *Driver* by the Managing Director. He submits that although no formal appointment letter was issued, an Identity Card of the company bearing the workman's name was issued to him, duly signed by the Managing Director himself. He further submits that when the matter was taken up before the Labour Department, upon inspection of the establishment, the Labour Inspector recorded the workman's name at Serial No. 1 in the list of employees found working there, thereby confirming that the workman was, in fact, an employee of the respondent company.

10. *Per contra*, it is the case of the Respondent that the workman was engaged as the personal driver of the Managing Director and not as an employee of the Respondent Company. The identity card relied upon by the workman was issued by the Managing Director solely to facilitate the workman's entry into the office premises and did not establish an employer-employee relationship with the Respondent Company. The workman has failed to place any documentary or other cogent evidence on record to demonstrate that he was ever employed by the Respondent Company.

11. I have heard the counsel and perused the record.



12. At the outset, it is necessary to note that the scope of interference under Article 226 and 227 of the Constitution of India with an Award passed by the Learned Tribunal. This Court's interference is only warranted where the findings are perverse, based on no evidence, suffer from patent illegality or disclose a jurisdictional error. This Court, while exercising writ jurisdiction, cannot re-appreciate the evidence led before the learned Labour Court as though rehearing the matter on facts. Merely because another view on the evidence is possible would not justify interference. Reference in this regard may be made to the judgment in ***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."

13. A perusal of the impugned Award reveals that the learned Labour Court has meticulously examined the evidence adduced on



record and has returned findings based on the material available before it. The learned Labour Court, while examining *Issue No.1*, considered the contentions of the workman and based on the evidence on record, found that the workman was merely the personal driver of the Managing Director and not an employee of the Respondent. It has also examined the evidentiary value of the Identity Card (Ex. WW1/1) relied upon by the workman, the nature of his engagement, and the documents placed on record by the workman regarding Vehicle No. DL-3C-J-5692, which shows that the car was owned by the company but at the same time Ex. WW1/2 shows that the workman was employed to drive car no. DL1C-D-4876, which was allotted to the Managing Director for his personal use. The learned Labour Court rightly noted that at the time of the accident, the wife of the Managing Director was travelling in the said vehicle, that the expenses towards accident repairs were borne from *the personal funds* of the Managing Director, and that no memo was issued by the management in relation to the said accident. The learned Labour Court has rightly held that the Gate Pass (Ex. WW1/14) only indicated that the workman rendered service to the Managing Director in his personal capacity.

14. In regard to *Issue No.2*, it was held that the workman had failed to establish an employer-employee relationship with the Respondent. The evidence on record clearly demonstrated that the workman was merely the personal driver of the Managing Director, and that whatever facilities were extended to him, including the Identity Card enabling his entry into the premises, among other things, were



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provided solely for the benefit and convenience of the Managing Director, and not on account of any employment by the Respondent.

15. Considering all the facts and circumstances of the case, this Court finds no perversity, illegality, or infirmity in the impugned Award warranting interference under Article 226 of the Constitution of India. Accordingly, this Court is of the view that the impugned Award dated 16.12.2006 does not suffer from any error apparent on the face of the record, nor does it call for any interference by way of judicial review.

16. This Court is of the view that the Learned Labour Court has rightly considered all the evidence and facts placed on record and has examined the evidence produced by the parties and returned a considered finding after appreciation of the material on record. The learned Labour Court has rightly considered the evidence advanced by the parties and has taken a plausible view.

17. In the opinion of this Court, the present Writ Petition, being devoid of merit, is accordingly dismissed. No order as to costs.

18. Pending application(s), if any, stand disposed of in the aforementioned terms.

AMIT MAHAJAN, J

SEPTEMBER 8, 2026

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