

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.5682 OF 2010

(s) Dharam Pal Appellant  
Versus  
t(s) M.D. University, Rohtak Respondent

O R D E R

calls in The present appeal, by special leave,  
question the legal tenability of the order dated 3rd March,  
2009, passed by the High Court of Punjab and Haryana at  
Chandigarh in Civil Writ Petition No.6061 of 2004, whereby  
the High Court has set aside the Award dated 28th January,  
2004, passed by the Industrial Tribunal-cum-Labour Court,  
Rohtak, whereby the concerned Labour Court has answered the  
reference in favour of the workman holding him entitled for  
reinstatement to the post of Beldar with contin  
uity of service and fifty per cent back wages.

It is submitted by Dr. K.S. Chauhan, learned counsel  
appearing for the appellant that the High  
Court has

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Chetan Kumar  
Date: 2015.08.26

17:18:39 IST  
Reason:

erroneously exercised the jurisdiction in interfering with

the award inasmuch as the Labour Court had correctly done  
adverse inference as the Management had not produced the

days the appellant had worked with the Management. It is urged by him that there were two sub-divisions, C-I and C-II in the respondent-University, but the Management witness only produced documents, namely, M-I to M-14 pertaining to one Division and, therefore, the adverse inference drawn by the labour court could not have been dislodged by the High Court.

Learned counsel appearing for the respondent-University has supported the order passed by the High Court.

To appreciate the controversy, we have carefully perused the award passed by the Labour Court. We have also been taken through the claim statement, the evidence of the workman and also the testimony of the Management witness, who has produced the records.

On a scrutiny of the assertions made in the claim petition, we find that the workman had not mentioned that he had worked in two sub-divisions under the University. The emphasis was laid in the change of his name which was really not material. In his evidence, he has not stated anything with regard to working in two sub-divisions. As far as the Management witness is concerned, we find that he had produced exhibits M-1 to M-14, pertaining to C-1 Division.

The only ground on the basis of which the adverse inference

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has been drawn by the Labour Court is that he had not got the documents pertaining to other division. In the absence of any kind of pleading or evidence by the workman and also any assertion anywhere, we do not think that such an adverse inference should have been drawn and, therefore, the High Court is justified by opining that the Labour Court has proceeded with certain assumptions.

In view of the aforesaid analysis, we do not perceive any merit in this appeal and, accordingly, the same

stands dismissed. There shall be no order as to costs.

.....J.  
(Dipak Misra)

.....J.  
(R. Banumathi)

New Delhi;  
August 20, 2015.  
CA 5682/10

ITEM NO.103

COURT NO.5

SECTION XV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No.5682 of 2010

DHARAM PAL

Appellant(s)

VERSUS

M.D.UNIVERSITY,ROHTAK

Respondent(s)

Date : 20/08/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s) Dr. Krishan Singh Chauhan, AOR  
Mr. Ajit Kumar Ekka, Adv.  
Mr. Chand Kiran, Adv.  
Mr. Ravi Prakash, Adv.  
Mr. Murari Lal, Adv.

For Respondent(s) Mr. Anijit Mani Tripathi, Adv.  
Mr. N. Gupta, Adv.  
Ms. S. Janani, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The appeal is dismissed in terms of the signed order.

(Chetan Kumar) (H.S. Parasher)  
Court Master Court Master  
(Signed order is placed on the file)