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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 12.02.2026
Date of decision: 11.05.2026
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\+ W.P.(C) 9849/2016

RAJESHWAR DAYAL AGGARWAL .....Petitioner

Through: Mr. Triloki Pandit, Adv.

versus

M/S ENICAR MACHINE (INDIA) .....Respondent

Through: Ms. Diya Kapur, Sr. Adv. with Mr. Aditya Ladha, Mr. Naibedya Dash, Advs.

CORAM:
HON'BLE MS. JUSTICE SHAIL JAIN

JUDGMENT

SHAIL JAIN, J.

1. The present writ petition has been filed under Article 226 of the Constitution of India by the Petitioner/workman assailing the Award dated 03.07.2015 passed by the learned Presiding Officer, Labour Court-XIX, Karkardooma Courts, Delhi in LIR No. 30/2012, whereby the learned Labour Court held that the Government of NCT of Delhi was not the "appropriate Government" for making the reference and consequently held the claim of the Petitioner/workman to be not maintainable before the Labour Court at Delhi.

BRIEF FACTS OF THE CASE:

2. Brief facts emerging from the record, necessary for adjudication of the present writ petition, are that the Petitioner/workman claimed to have joined the services of the Respondent/management on 20.11.1978 as a Clerk/Sale Purchase Assistant and alleged that he had continuously worked under the management till November, 2009. It was further the case of the Petitioner/workman that the management had been operating under different names and styles, namely M/s Delhi Industrial Syndicate, M/s Asian Engineering Company, M/s Enicar Machine (India) and M/s Precision Tanks and Vessels (P) Ltd., and that he had worked in all the said establishments under the same management and control.

3. According to the Petitioner/workman, he lastly attended duties on 27.11.2009 at the establishment of M/s Enicar Machine (India) situated at B-616, Nehru Ground, Faridabad, Haryana. The Petitioner/workman alleged that on the said date, he was orally directed by the management not to report for duties with effect from 28.11.2009, without issuance of any written order, charge-sheet or domestic enquiry. It was also alleged that his salary for the months of October and November, 2009 had been withheld by the management.

4. The record further reflects that the Petitioner/workman issued a demand notice dated 09.12.2009 seeking reinstatement in service along with back wages and other consequential benefits. The Petitioner/workman also initiated proceedings for recovery of alleged dues amounting to Rs.1,63,000/-. Thereafter, conciliation proceedings were initiated before the Conciliation Officer, which ultimately culminated in a reference being made by the Deputy Labour Commissioner, Government of NCT of Delhi *vide*

Reference No. F.24(405)/11/SWD/Lab./7718-7721 dated 25.11.2011 to the Labour Court-XIX, Karkardooma Courts, Delhi on the following terms:

> *"Whether there existed an employer-employee relationship between the management and Shri RajeshwarDayal Aggarwal S/o Shri Shobha Ram Aggarwal and if so, whether services of said Shri RajeshwarDayal Aggarwal have been terminated illegally and/or unjustifiably by the management and if so, to what relief is he entitled?"*

5. Pursuant thereto, the Petitioner/workman filed a statement of claim before the learned Labour Court seeking reinstatement in service with continuity of service, full back wages and consequential benefits. The Respondent/management contested the claim by filing its written statement, wherein the existence of employer-employee relationship was denied. The management further contended that the establishments referred to by the Petitioner/workman were separate concerns belonging to different proprietors/family members.

6. The Respondent/management also raised a preliminary objection regarding territorial jurisdiction and maintainability of the proceedings before the Labour Court at Delhi. It was contended that even as per the averments contained in the statement of claim, the alleged termination had taken place at Faridabad, Haryana and, therefore, the cause of action had arisen within the territorial jurisdiction of the State of Haryana. It was thus contended that the Government of NCT of Delhi was not the "appropriate Government" competent to make the reference under the Industrial Disputes Act, 1947.

7. Upon consideration of the pleadings and material placed on record,

the learned Labour Court passed the impugned Award dated 03.07.2015 holding, *inter alia*, that the Government of NCT of Delhi could not be regarded as the "appropriate Government" for making the reference in the facts of the present case and consequently held the claim to be not maintainable before the Labour Court at Delhi. The Award was subsequently published on 19.11.2015.

8. Aggrieved by the aforesaid Award, the Petitioner/workman has preferred the present writ petition.

SUBMISSIONS OF THE PARTIES:

9. Learned counsel appearing on behalf of the Petitioner/workman assailed the impugned Award dated 03.07.2015 on the ground that the learned Labour Court had erred in holding that the Government of NCT of Delhi was not the "appropriate Government" for the purpose of making the reference under the Industrial Disputes Act, 1947. It was contended that the learned Labour Court failed to appreciate the material placed on record showing the existence of a substantial nexus of the Respondent/management with Delhi.

10. Learned counsel for the Petitioner submitted that the Respondent/management has been carrying on business through multiple concerns under the same management and control, namely M/s Delhi Industrial Syndicate, M/s Asian Engineering Company, M/s Enicar Machines India and M/s Precision Tanks and Vessels (P) Ltd and it was contended that the Petitioner/workman had worked in all the aforesaid establishments under the same management and control.

11. Learned counsel further submitted that the learned Labour Court had failed to consider documentary material available on record which clearly established that the respondent/management had its registered office and principal business activities within the National Capital Territory of Delhi. In this regard, reliance was placed upon Delivery Challan No. 3105 dated 01.03.1980, Delivery Challan No. C/431/1980, Delivery Challan No. 3097 dated 08.03.1980 and Bill dated 11.06.1996, which allegedly reflected the addresses of the respondent/management at Shanti Niketan and Naraina Industrial Area, Phase-II, New Delhi. It was thus contended that the dispute had a clear territorial nexus with Delhi and, therefore, the Government of NCT of Delhi was fully competent to make the reference.

12. It was further contended on behalf of the Petitioner/workman that the learned Labour Court adopted an unduly technical approach while deciding the issue of territorial jurisdiction and failed to appreciate that industrial adjudication ought not to be defeated merely on hyper-technical considerations, particularly when the material on record demonstrated a clear nexus of the management with Delhi. It was submitted that the impugned Award had been passed without proper appreciation of the documentary evidence and was thus liable to be set aside.

13. *Per contra*, learned counsel appearing on behalf of the Respondent/management supported the impugned Award and submitted that the present writ petition itself is liable to be dismissed on account of unexplained delay and laches. It was pointed out that the impugned Award was passed on 03.07.2015 and published on 19.11.2015, whereas the present writ petition came to be instituted only on 06.09.2016, after an inordinate

delay of more than ten months, without any application seeking condonation of delay.

14. Learned counsel for the Respondent further submitted that the learned Labour Court rightly held that the Government of NCT of Delhi was not the "appropriate Government" competent to refer the dispute for adjudication, inasmuch as the Petitioner/workman himself had admitted in the statement of claim that he was lastly working at B-616, Nehru Ground, Faridabad, Haryana and that the alleged termination had also taken place at the said establishment. It was contended that the situs of employment and the place where the cause of action substantially arose determine the territorial jurisdiction in industrial disputes arising out of termination of service.

15. In support of the aforesaid submissions, learned counsel for the Respondent placed reliance upon the judgment in ***Paritosh Kumar Pal v. State of Bihar & Ors.,1984 Lab IC 1254*** to contend that the situs of employment of the workman is the determinative factor for deciding territorial jurisdiction and identifying the appropriate Government under the Industrial Disputes Act, 1947.

16. Learned counsel for the Respondent further contended that the Petitioner/workman cannot be permitted to take contradictory stands inasmuch as in Para 3 of the statement of claim, the Petitioner/workman had specifically pleaded that on 27.11.2009 he was working at the Faridabad establishment of the management where he was allegedly directed not to report for duties with effect from 28.11.2009. It was submitted that the said pleading constitutes a clear admission regarding the situs of employment and cause of action.

17. Learned counsel for the Respondent additionally submitted that the documentary material relied upon by the Petitioner/workman, namely the delivery *challans* of the year 1980 and the bill of the year 1996, had no relevance for determining the situs of employment as on the date of alleged termination in November, 2009. It was submitted that the management witness had categorically deposed that the registered office of the management was situated at 94, DLF Industrial Estate, Faridabad, Haryana and that no cogent evidence to the contrary had been produced by the Petitioner/workman.

18. Learned counsel for the Respondent also disputed the existence of employer-employee relationship between the parties and submitted that the Petitioner/workman was running his own proprietorship concern under the name and style of M/s Shan Engineering Company at Sultanpuri, Delhi and was also working as an agent of the Life Insurance Corporation of India. It was contended that no appointment letter, service record, salary slip or documentary material had been produced by the Petitioner/workman to establish any employer-employee relationship with the respondent/management.

19. On the aspect of maintainability of the present proceedings, learned counsel for the Respondent further submitted that under Section 17(2) of the Industrial Disputes Act, 1947, a published award attains finality and cannot ordinarily be called in question except on limited grounds available in judicial review under Article 226 of the Constitution of India. It was submitted that the impugned Award neither suffers from perversity nor from any jurisdictional infirmity warranting interference by this Court.

DISCUSSION:

20. This Court has heard the learned counsel appearing on behalf of the parties and perused the documents placed on record and judgments relied upon by the parties.

21. The principal controversy arising for consideration before this Court is whether the learned Labour Court was justified in holding that the Government of NCT of Delhi was not the "appropriate Government" competent to make the reference under the Industrial Disputes Act, 1947 and, consequently, whether the learned Labour Court was justified in declining to adjudicate the dispute on merits.

22. Before adverting to the rival submissions on the aforesaid controversy, it would be apposite to notice the manner in which the learned Labour Court approached and decided the dispute. Upon consideration of the pleadings of the parties, the learned Labour Court framed the following issues for adjudication on 13.08.2012:

> *(i) As per terms of reference.*
> *(ii) Whether the claimant is not a workman within the definition under Section 2(s) of the I.D. Act? OPM*
> *(iii) Whether the workman is self-engaged in his own proprietorship firm? OPM*
> *(iv) Whether this Court has no territorial jurisdiction to try and dispose of the present claim? OPM*
> *(v) Relief.*

23. A perusal of the impugned Award reveals that since Issue No. (iv) pertained to territorial jurisdiction and went to the very root of the adjudicatory competence of the learned Labour Court, the learned Labour Court considered it appropriate to first adjudicate the said issue before entering upon the merits of the industrial dispute. The said approach adopted

by the learned Labour Court cannot be faulted with, inasmuch as it is a settled principle of law that where an objection relating to jurisdiction is raised, the same deserves to be adjudicated at the threshold since the authority of the forum to entertain the dispute itself depends upon the outcome of such issue.

24. The learned Labour Court thereafter proceeded to hear the parties on Issue No. (iv) and, upon appreciation of the pleadings, evidence and material placed on record, returned a finding against the Petitioner/workman on the question of territorial jurisdiction. The relevant observations contained in the impugned Award read as under:

> *"**15.** [...] Herein, the claimant has specifically alleged in Para no. 3 of the claim that on 27.11.2009 he was performing his duties with M/s Enicar Machines (India) at B-616, Nehru Ground, Faridabad, Haryana where the management asked him not to attend the office w.e.f 28.11.2009. As per pleadings , it is not case of the claimant that M/s Enicar Machines (India) was having any office at Delhi or that he was working with the said management at Delhi. He has specifically claimed the situs of his employment at Faridabad.*
> ***16.** In the given facts and circumstances, applying the well settled law, referred to by Ld. AR(M) and not disputed by Ld. AR(W), this court finds that Government of NCT Delhi cannot be said to be the appropriate government to refer the industrial dispute between the parties to this court at Delhi and rather, it is the State of Haryana which is the appropriate government to refer industrial dispute between the parties to the labour courts at Faridabad. This issue is accordingly decided in favour of the management and against the workman."*

25. The learned Labour Court further observed that in view of the finding returned on Issue No. (iv), namely that the reference had not been made by

the competent Government under the Industrial Disputes Act, 1947, the claim of the Petitioner/workman was not maintainable before it and, accordingly, declined to adjudicate the remaining issues on merits.

26. A perusal of the aforesaid reasoning adopted by the learned Labour Court shows that it proceeded primarily on the basis that the situs of employment and alleged termination of the Petitioner/workman was at Faridabad, Haryana and, therefore, the industrial dispute substantially arose within the territorial jurisdiction of the State of Haryana. The learned Labour Court further observed that no cogent material had been brought on record to establish that the management had any such nexus with Delhi so as to confer jurisdiction upon the Government of NCT of Delhi.

27. Learned counsel appearing on behalf of the Petitioner/workman assailed the aforesaid findings by contending that the learned Labour Court adopted an unduly narrow and technical approach while determining the issue of territorial jurisdiction. It was argued that the documentary evidence placed on record, including the delivery challans and the bill bearing Delhi addresses of the respondent/management, clearly established that the respondent/management had been operating from Delhi and that the industrial dispute had sufficient territorial nexus with Delhi.

28. It was further contended on behalf of the Petitioner/workman that the issue of territorial jurisdiction in industrial adjudication cannot be determined solely on the basis of the place where the workman lastly discharged duties or where the alleged order of termination operated. According to the Petitioner/workman, the overall nexus of the establishment with a particular State, including existence of the registered office, continuity of service under interconnected establishments and supervisory

control of the management, are all relevant factors for determining the "appropriate Government" under the Industrial Disputes Act, 1947.

29. *Per contra*, learned counsel for the Respondent/management submitted that the learned Labour Court rightly appreciated the pleadings and evidence on record and correctly concluded that the Government of NCT of Delhi lacked territorial jurisdiction. Particular emphasis was placed upon Para 3 of the statement of claim, wherein the Petitioner/workman himself specifically pleaded that he was working at B-616, Nehru Ground, Faridabad, Haryana on 27.11.2009 and that the alleged oral termination also took place there.

30. Learned counsel for the Respondent/management further submitted that once the situs of employment and alleged termination stood admitted by the Petitioner/workman himself, the issue of territorial jurisdiction stood concluded and the Petitioner/workman could not subsequently attempt to create jurisdiction in Delhi merely on the basis of old business documents reflecting Delhi addresses of the management.

31. At this stage, it becomes necessary to examine the legal position governing the concept of "appropriate Government" under the Industrial Disputes Act, 1947 (hereinafter referred to as '*the Act*'). Though the Act does not contain any express provision prescribing territorial jurisdiction of Labour Courts, Courts have consistently held that the jurisdiction of a Labour Court to adjudicate an industrial dispute must have a direct and substantial nexus with the territory of the Government making the reference. The expression "appropriate Government" as defined under Section 2(a) of the Act contemplates the Government having jurisdiction over the industry

or establishment in relation to which the dispute substantially arises. It is in this context that the situs of employment assumes significance.

32. The legal position governing the present controversy is now fairly well settled. In disputes arising out of termination of service, it is ordinarily the place where the workman was lastly employed and where the alleged termination took effect that constitutes the determinative factor for deciding territorial jurisdiction. The principle is founded upon the rationale that the industrial dispute substantially crystallises at the place where the employment subsisted and where the adverse employment action operated against the workman.

33. The Hon'ble Supreme Court in ***V.G. Jagdishan Vs. Indofos Industries Ltd, (2022) 6 SCC 167*** observed that the place where the employment existed and where the termination operated constitutes the place where the cause of action substantially arises. The Apex Court categorically held that considering the facts of the said case that the workman therein was employed at Ghaziabad, was working at Ghaziabad and his services were terminated at Ghaziabad, only the Ghaziabad Court would have territorial jurisdiction in the said case. The relevant paragraph of the said judgment is reproduced hereinbelow:

> *"**10**. From the findings recorded by the Labour Court, Delhi and the learned Single Judge and the Division Bench of the High Court, it is not much in dispute that the workman was employed as a driver at Ghaziabad office. He was working at Ghaziabad. His services were retrenched at Ghaziabad. All throughout during the employment, the workman stayed and worked at Ghaziabad. Only after the retrenchment/termination the workman shifted to Delhi from where he served a demand notice at the Head Office of the Management situated at Delhi. Merely because the workman after termination/retrenchment*

shifted to Delhi and sent a demand notice from Delhi and the Head Office of the Management was at Delhi, it cannot be said that a part cause of action has arisen at Delhi. Considering the facts that the workman was employed at Ghaziabad; was working at Ghaziabad and his services were terminated at Ghaziabad, the facts being undisputed, only the Ghaziabad Court would have territorial jurisdiction to decide the case."

34. Similarly, Hon'ble Supreme Court in the case of ***Eastern Coalfields Ltd. and Others v. Kalyan Banerjee, (2008) 3 SCC 456,*** held that mere existence of the head office or administrative office of the employer at a different place would not *ipso facto* confer jurisdiction unless the dispute itself substantially arose within the territorial limits of that State.The relevant paragraph of the said judgment is reproduced hereinbelow:

"13*. In view of the decision of the Division Bench of the Calcutta High Court that the entire cause of action arose in Mugma area within the State of Jharkhand, we are of the opinion that only because the head office of the appellant Company was situated in the State of West Bengal, the same by itself will not confer any jurisdiction upon the Calcutta High Court, particularly when the head office had nothing to do with the order of punishment passed against the respondent."*

35. The aforesaid principle also stands reiterated by the Division Bench of this Court in ***J. Balaji v. The Hindu New Delhi and Anr., LPA 640/2022***, decided on 29.08.2023, wherein it was reiterated that once a workman accepts transfer to a new place of posting and joins duty there, the situs of employment shifts to the new location. Consequently, where the services of the workman are terminated from the new place of posting, the Delhi Courts lose territorial jurisdiction. The Division Bench further clarified that the mere existence of an office of the employer at Delhi or the circumstance that

the workman may have previously worked at Delhi would not, by itself, confer territorial jurisdiction upon the Delhi Courts.

36. Keeping the aforesaid legal principles in view, this Court proceeds to examine the factual matrix of the present case.

37. A perusal of Para 3 of the statement of claim filed by the Petitioner/workman before the learned Labour Court leaves little room for ambiguity. The Petitioner/workman specifically pleaded that on 27.11.2009 he was working with M/s Enicar Machine (India) at B-616, Nehru Ground, Faridabad, Haryana and that the management directed him not to attend duties with effect from 28.11.2009. The said averment forms the very foundation of the industrial dispute raised by the Petitioner/workman.

38. The aforesaid pleading assumes significance for more than one reason. **Firstly**, it constitutes a categorical admission regarding the situs of employment of the Petitioner/workman at the relevant point of time. **Secondly**, the alleged oral termination itself is stated to have taken effect at Faridabad, Haryana. **Thirdly**, it is not even the case of the Petitioner/workman in the statement of claim that M/s Enicar Machines (India) was operating from Delhi at the relevant time or that the Petitioner/workman was discharging duties at Delhi immediately prior to the alleged termination. On the contrary, the Petitioner/workman specifically asserted the situs of his employment at Faridabad.

39. In the considered opinion of this Court, once the Petitioner/workman himself admitted that he was discharging duties at Faridabad, Haryana on the date of alleged termination and that the alleged termination operated there, the learned Labour Court cannot be faulted for holding that the

industrial dispute substantially arose within the territorial jurisdiction of the State of Haryana.

40. An admission made in pleadings is a judicial admission of the highest order. It is well settled that a party is bound by its pleadings and ordinarily cannot be permitted to travel beyond the same in an attempt to improve or alter the nature of their case. In ***Nagindas Ramdas v. DalpatramIchharam alias Brijram, (1974) 1 SCC 242***, the Hon'ble Supreme Court held that admissions contained in pleadings constitute substantive evidence and stand on a higher footing than evidentiary admissions.

41. In the present case, the Petitioner/workman, having himself pleaded Faridabad as the place of employment and the place where the alleged termination operated, cannot now be permitted to contend before this Court that the learned Labour Court erred in proceeding on the very factual foundation laid by the Petitioner/workman himself. A litigant cannot be permitted to approbate and reprobate simultaneously.

42. Learned counsel for the Petitioner/workman sought to rely upon certain documentary material, namely delivery challans of the year 1980 and a bill of the year 1996, in order to contend that the respondent/management had its office and business operations at Delhi and, therefore, the Government of NCT of Delhi possessed territorial jurisdiction to make the reference.

43. This Court is unable to attach any determinative significance to the aforesaid documents for more than one reason:

(i) Firstly, The delivery challans relied upon by the Petitioner/workman pertain to the year 1980 and the bill relied upon pertains to the year 1996. Both sets of documents precede the alleged termination in

November 2009 by several years. The existence of a business address at Delhi at some anterior point of time does not establish that the industrial dispute which arose in November 2009 had any direct, proximate or substantial nexus with Delhi at the relevant point of time. The relevant inquiry for determining territorial jurisdiction is not whether the management at some point of time carried on business from Delhi, but whether the industrial dispute itself substantially arose within the territorial jurisdiction of Delhi when the cause of action accrued. The said documents do not answer the aforesaid question in favour of the Petitioner/workman.

(ii) Secondly, the management witness specifically deposed before the learned Labour Court that the registered office of the management was situated at 94, DLF Industrial Estate, Faridabad, Haryana. No contemporaneous document was produced by the Petitioner/workman to controvert the said deposition or to establish that the management was being controlled or supervised from Delhi at the relevant point of time. In the absence of any such evidence, old documents reflecting Delhi addresses cannot displace the admitted factual position emerging from the pleadings of the Petitioner/workman himself.

(iii) Thirdly, as the legal position now stands authoritatively settled, the mere existence of a head office, branch office or business establishment at Delhi would not ipso facto confer territorial jurisdiction upon the Labour Court at Delhi where the employment and alleged termination of the workman were admittedly situated elsewhere. As held by the Hon'ble Supreme Court in ***Eastern Coalfields Ltd. and Others v. Kalyan Banerjee (supra)*** and reiterated by the Division Bench of this

Court in ***J. Balaji v. The Hindu New Delhi and Anr. (supra)***, the determinative factor remains the situs of employment and the place where the industrial dispute substantially arose.

44. It was also argued on behalf of the Petitioner/workman that the respondent/management had been operating multiple concerns under the same management from Delhi and that the Petitioner/workman had served all such establishments over several decades. This Court finds that even if the said factual assertion is accepted for the sake of argument, the same would not materially advance the case of the Petitioner/workman on the issue of territorial jurisdiction. The critical question for determination is not where the Petitioner/workman may have worked at some anterior point of time or how many establishments the management operated, but where the employment subsisted and where the industrial dispute arose at the relevant point of time. The answer to that question, on the Petitioner/workman's own pleadings, is clearly Faridabad, Haryana.

45. This Court also does not find merit in the submission advanced on behalf of the Petitioner/workman that the learned Labour Court, having returned a finding on Issue No. (iv) pertaining to territorial jurisdiction, nevertheless ought to have proceeded to adjudicate the remaining issues on merits. Jurisdiction is not a mere procedural technicality. It goes to the very root of the authority of the adjudicatory forum to entertain and decide the dispute.

46. Once the learned Labour Court arrived at the conclusion that the Government of NCT of Delhi was not the "appropriate Government" competent to make the reference under the Industrial Disputes Act, 1947, the very foundation of the adjudicatory proceedings stood displaced. Any

adjudication on merits thereafter would itself have been rendered without jurisdiction. The learned Labour Court, therefore, acted in consonance with settled principles of law in declining to adjudicate the remaining issues once it came to the conclusion that the reference itself was incompetent for want of territorial jurisdiction. In this regard, reference may also be made to the settled principle enunciated by the Hon'ble Supreme Court in ***Kiran Singh v. Chaman Paswan AIR 1954 SC 340*** , wherein it was held that a defect of jurisdiction strikes at the very authority of the Court and any adjudication rendered without jurisdiction is a nullity in the eyes of law.

47. Before concluding, this Court also deems it appropriate to notice that the impugned Award was passed on 03.07.2015 and published on 19.11.2015, whereas the present writ petition came to be instituted only on 06.09.2016, that is, after a considerable delay. No application seeking condonation of delay or explaining the delay in approaching this Court has been placed on record

48. It is trite that jurisdiction under Article 226 of the Constitution of India is discretionary in nature. Though no rigid period of limitation governs the exercise of writ jurisdiction, a litigant approaching the writ Court after unexplained and substantial delay cannot claim relief as a matter of right. The doctrine of laches is founded upon considerations of diligence, equity and finality.

49. However, since the matter has been heard extensively on merits and this Court has independently examined the legality and correctness of the impugned Award, this Court does not deem it appropriate to non-suit the Petitioner/workman solely on the ground of delay. The unexplained delay is,

nevertheless, an additional factor disentitling the Petitioner/workman to any discretionary relief under Article 226 of the Constitution of India.

50. It is equally well settled that while exercising jurisdiction under Article 226 of the Constitution of India, this Court does not sit as a Court of appeal over findings recorded by the Labour Court. Interference is warranted only where the findings are shown to be perverse, based on no evidence, suffering from patent illegality or vitiated by jurisdictional infirmity.

51. In ***Syed Yakoob v. K.S. Radhakrishnan, AIR 1964 SC 477***, the Hon'ble Supreme Court held that a writ of certiorari can be issued only where the inferior tribunal acts without jurisdiction, commits an error apparent on the face of the record or arrives at findings based on no evidence. The High Court, while exercising supervisory jurisdiction, cannot re-appreciate evidence as an appellate forum.

52. In the present case, this Court finds that the conclusion arrived at by the learned Labour Court is founded upon the pleadings and evidence placed before it. The learned Labour Court has considered the statement of claim, the evidence adduced by the parties and the documentary material relied upon by the Petitioner/workman before arriving at the conclusion that the Government of NCT of Delhi was not the "appropriate Government" competent to make the reference.

53. Viewed thus, this Court is of the considered opinion that the impugned Award dated 03.07.2015 does not suffer from any perversity, patent illegality or jurisdictional infirmity warranting interference in exercise of powers under Article 226 of the Constitution of India.

CONCLUSION:

54. For all the aforesaid reasons, this Court is of the considered opinion that the learned Labour Court rightly held that the Government of NCT of Delhi was not the "appropriate Government" competent to refer the industrial dispute between the parties for adjudication under the Industrial Disputes Act, 1947. The situs of employment of the Petitioner/workman at the time of the alleged termination was admittedly at Faridabad, Haryana and the industrial dispute substantially arose within the territorial jurisdiction of the State of Haryana. The documents relied upon by the Petitioner/workman do not establish any contemporaneous or substantial nexus between the dispute in question and the territory of Delhi.

55. This Court further holds that the findings returned by the learned Labour Court are based upon proper appreciation of the pleadings, evidence and settled legal principles governing territorial jurisdiction and the concept of "appropriate Government" under the Industrial Disputes Act, 1947. The impugned Award neither suffers from perversity nor from any patent illegality or jurisdictional infirmity warranting interference in exercise of powers under Article 226 of the Constitution of India.

56. Consequently, the impugned Award dated 03.07.2015 passed by the learned Presiding Officer, Labour Court No. XIX, Karkardooma Courts, Delhi in LIR No. 30/2012 is hereby upheld.

57. It is, however, clarified that dismissal of the present writ petition shall not preclude the Petitioner/workman from availing such remedies as may be available to him in accordance with law before the appropriate forum and the appropriate Government having jurisdiction, if so advised and if not otherwise barred by law.

58. The writ petition is accordingly dismissed along with pending application(s), if any. There shall be no order as to costs.

SHAIL JAIN
JUDGE

MAY 11, 2026
DG