



Industrial Dispute Act, 1947, S. 2(s) - The law is well settled that the burden of proving the relationship of employer and employee lies on the workman - Petitioner relied on the various emails and the forms under 16A - Same does not in any way, prove that there existed any relationship of employer-employee between the parties - TDS was deducted by the Management in respect of payments made to the petitioner under the “head of payments made to contractors and sub-contractors”, thereby disqualifying the petitioner to fall within the definition of workman as enumerated under Section 2(s) of ID Act - Petitioner had never applied for any employment with the Management in writing - There was an oral interview - Neither any written examination was conducted and nor any offer/ appointment letter was issued to the petitioner - Further petitioner worked as a Guide on assignment basis and was neither given any promotion and/ or bonus, nor was he covered under the applicable statutory enactments such as ESI, PF, etc., was not provided any regular amount as salary or otherwise which were being given to its other employees by the Management and was paid on assignment basis - Holding a qualification or being eligible for employment does not prove that the person was in fact employed by the said management

PLRonline 1412503

[Login / Subscribe](#) to read Full Notes and Judgment

[2020 SCeJ 1301 \(Del.\)](#)