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

\+ W.P.(C) 11076/2022

RAJENDER PRASAD PANT ..... Petitioner

Through: Ms.Meghna De and Ms. L. Gangmei, Advs.

versus

M/S EXCHANGE AGENCIES & ANR. ..... Respondents

Through

% ***Date of Decision: 26th July, 2022***

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

The present petition has been filed challenging the impugned order dated 19th May, 2022, whereby the claim of the petitioner for payment of four months' salary w.e.f. 19th April, 2018 to 12th August, 2018 has been rejected.

Learned counsel for the petitioner has submitted that the authority has rejected the claim despite there being sufficient material on record. It has been further submitted that the respondent-management did not even lead any evidence and therefore the case of the petitioner was uncontroverted.

I have perused the impugned order. The authority in the impugned order notes that the evidence produced by the petitioner-claimant did not prove his case. The entire evidence produced by the petitioner-claimant had

been appreciated and it was *inter alia* held that the same were not sufficient to prove the claim of the claimant against the respondent.

It has been noted that the respondent is an educated person and was appointed at a salary of Rs.50,000/- p.m. and therefore he was expected to file some material evidence i.e. appointment letter, salary slip etc. on the record to prove the relationship of employee and employer but no such document/evidence has been placed on record.

The writ jurisdiction conferred on the Court is although wide but has to be exercised in circumspection. This Court in its writ jurisdiction cannot re-appreciate the evidence. The order of the authority cannot be displaced merely because this Court can take another opinion on the same material.

The petitioner is an educated person and is a graduate from Delhi University. To say that he was not given any documents when he joined the services does not hold any ground. The petitioner had to be aware of his rights and should have insisted for the documents. This is not the case where the petitioner is an illiterate person or had been working as a labourer. The petitioner herein, is a professional and an expert in accountancy. It is also cardinal principle that one who makes the claim is bound to prove the same. The claim could not have been granted on the bald assertion.

This Court considers that there is no ground to interfere in the impugned order.

There is no substance in the present petition. Hence, the present petition is dismissed.

DINESH KUMAR SHARMA, J

JULY 26, 2022/*Pallavi*