
(2013) 11 RAJ CK 0171
In the Rajasthan High Court
Case No : Civil Writ Petition No. 931 of 2003

Bal Vikas Pariyojna Adhikari, Dungarpur and Another	APPELLANT
Vs	
The Labour Court and Another	RESPONDENT

Date of Decision : 19-11-2013

Acts Referred:

Citation : (2013) 11 RAJ CK 0171

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Advocate : D.R. Kawadia, Government, for the Appellant;

Final Decision : Disposed Off

Judgement

Govind Mathur, J.—In pursuant to order dated 11.11.2013 passed by a co-ordinate Bench, this matter came up for its adjudication in the spirit of Lok Adalat. Despite service, nobody is appearing on behalf of respondent-workman.

2. Briefly stated, facts of the case are that the appropriate Government under the notification dated 20.5.1998 referred an industrial dispute for its adjudication to Labour Court, Udaipur in the terms that "Whether the employer Bal Vikas Pariyojana Adhikari, Sagwara, District Dungarpur was just and valid in terminating Aanganwari Karyakarta Smt. Meena Devi from service on 7.2.1996? If not, then for what relief and amount the workman is entitled??"

3. As per statement of claim filed by the workman, she entered in service as Aanganwari Karyakarta on 15.6.1986 with a consolidated salary of Rs. 250/- per month. She was discontinued from service on 7.2.1996 without assigning any reason. She termed her termination from service as retrenchment, effected without adhering the provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as "the Act of 1947").

4. As per the employer with the assertion that the workman was found indulged in some misconduct, therefore, she was discontinued from service after holding

an enquiry.

5. The Labour Court after examining the entire material available on record arrived at the conclusion that no enquiry was conducted and the workman was terminated from service in simplicitor manner. Accordingly, the termination was treated as retrenchment from service without adhering the mandatory condition precedent prescribed u/s 25-F of the Act of 1947. A direction, thus, was given for reinstatement of the workman in service. Being aggrieved by the same, this petition for writ is preferred.

6. While admitting writ petition, this Court granted an interim order staying effect and operation of award dated 5.1.2002.

7. Learned counsel for the petitioner submits that in pursuance of the interim order passed by this Court, the workman has yet not been reinstated in service.

8. Even from perusal of the facts averred in the writ petition, it does not reveal that any evidence was adduced by the employer before the Labour Court in relation to holding of enquiry. Looking to this circumstance, learned counsel for the respondent-State agrees for grant of compensation to the workman in lieu of reinstatement. I am also of the view that now after a lapse of about 17 years from the date of retrenchment, specially, looking to the fact that the workman is also not contesting the matter, it shall be appropriate to award reasonable compensation to the workman in lieu of reinstatement. Accordingly, this petition for writ is disposed of by modifying the award dated 5.1.2002 in the terms that the workman shall be entitled for a compensation in a tune of Rs. 1,25,000/- in lieu of reinstatement. The amount of compensation is required to be paid to the workman on or before 01.4.2014.