
(2021) 01 SHI CK 0155
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 2511 Of 2013

Budhi Ram

APPELLANT

Vs

State Of Himachal Pradesh And Another

RESPONDENT

Date of Decision : 08-01-2021

Acts Referred:

Citation : (2021) 01 SHI CK 0155

Hon'ble Judges : Ravi Malimath, J

Bench : Single Bench

Advocate : Anjali Soni Verma, Ritta Goswami

Final Decision : Disposed Of

Judgement

Ravi Malimath, J

1. The case of the petitioner is that he was engaged on daily wage basis as Beldar in the respondent-Department, namely, office of the Executive

Engineer, HPPWD (B&R), Division Killar, District Chamba (H.P.). Since the year 1988, he had been continuously working with the respondents.

However, somewhere in August, 2004, he was terminated from service. He thereafter raised a dispute before the Labour Court-cum-Industrial

Tribunal, Dharamshala. Vide impugned Award dated 25.02.2013, the plea of the petitioner in Reference No.247/2012, was answered against the

employee. Hence, this petition.

2. Ms. Anjali Soni Verma, learned counsel for the petitioner, contends that the findings recorded by the Tribunal are incorrect as the petitioner did not

leave work of his own. On the contrary, he was terminated from service being a person who had no voice with the employer. However, thereafter, he

continued to make representations to the respondents, but to no avail. Due to

poverty of the petitioner, he is not in a position to survive and that he may be reinstated in service as a daily wage worker. The same is disputed by Ms. Ritta Goswami, learned Additional Advocate General, representing the respondents-State.

3. Heard learned counsels.

4. In my considered view, no interference in the impugned award is required. The position held by the petitioner was as a daily wage worker. The reason assigned by the respondents is that there is no work for a daily wage employee and if there is no work for a daily wage employee necessarily the petitioner cannot be engaged. However, in a situation, where daily wage work arises, then in my considered view, the petitioner would have to be given preference.

5. Therefore, the present petition is disposed off and the Award dated 25.02.2013, passed in Reference No.247 of 2012, by Labour Court-cum-Industrial Tribunal, Dharamshala, is modified by directing the respondents-State to offer the status of a daily wage employee to the petitioner and to grant him work as and when arises. In case no work arises, then the respondents-State shall have no liability to engage the petitioner. However, if work arises, the petitioner shall be the first person who shall be engaged on daily wage basis by the respondents-State.

5. Pending miscellaneous application(s), if any, shall also stand disposed off.