
(2011) 02 RAJ CK 0054

In the Rajasthan High Court

Case No : Civil Writ Petition No. 10140 of 2010

Chandra Prakash

APPELLANT

Vs

Industrial Dispute tribunal and Others

RESPONDENT

Date of Decision : 07-02-2011

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2011) 02 RAJ CK 0054

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Govind Mathur, J.—This petition for writ is preferred to question correctness, validity and propriety of the award dated 06.5.2009 passed by the Industrial Tribunal cum Labour Court, Udaipur in labour case No. 32/2006.

2. The factual matrix necessary to be noticed is that the appropriate Government by notification dated 25.5.2006 referred an industrial dispute to labour court, Udaipur in the terms that "whether raising of an industrial dispute regarding termination of Beldar, Chandra Prakash Gupta, who remained in service of Assistant Engineer, Quality control Sub-Division Mahi Project, Banswara from dated 19.8.1985 to 30.8.1986, after a lapse of 18 years is just and proper? " If yes, then for what relief and amount workman is entitled?"

3. Before the labour court, the case of the Petitioner workman was that at the first instance, the dispute was raised before conciliation officer dated 15.1.1990 but, no action thereafter was taken by the negotiating body therefore, on 18.4.2003 the workman retreated his cause before the conciliation officer but, no satisfactory action was taken. Before this Court it is asserted that as a matter of fact, there was no delay on part of the workman in raising the industrial dispute.

4. The factual position as sought to be advanced is considered by the labour court in quite detailed, with observations as under:

izkFkhZ us fookn dks mBkus esa gqbZ nsjh dk Li"Vhdj.k tks fn;k gS] mlesa izkFkhZ }kjk fnuakd 15-01-90 dks dh xbZ dk;Zokgh ds IEca/k esa rF; egRoiw.kZ gS] fdUrq i=koyh ds voyksdu ls idV gksrk gS fd izkFkhZ }kjk u rks f"kd;k;r dh izfr gh vius ikl miyC/k gksuk crk;k gS vkSj u gh vU; izdkj ls f"kd;k;r is"n fd;k tkuk lkfcr fd;k gS A izkFkhZ }kjk is"n fd;s x;s i= izn"nKZ & 3] izn"nKZ & 5 esa gkykafd izkFkhZ }kjk fnukad 15- 1- 90 dks le{kSrk vf/kkj ds le{k f"kd;k;r fd;s tkus dk mYys[k gS] fdUrq dsl dh fof"n"B ifjLFkfr;ksa esa tcfd fnukad 15-1-90 dks dh xbZ dk;Zokgh ds vk/kkj ij gh izkFkhZ fookn mBkus esa gqbZ nsjh dks Li"V djuk pkgrk gS rks ;g lkfcr djuk izkFkhZ ds fy;s cgqr gh vko";d Fkk] ftlds IEca/k esa mls Li"V lk{; is"n djuh pkfg;s Fkh A mDr i=ksa esa fnukad 15-1-90 dks dk;Zokgh dk mYys[k fd;k tkuk gh iz;kZIr ugha gS A izkFkhZ us LFkkuh; ;wfu;u ckalokM+k ds fdLh inkf/kdkjh dks U;k;ky; ds le{k is"n ugha fd;k gS vkSj u gh ;wfu;u dk ,slk jsdkMZ gh is"n fd;k gS fd izkFkhZ }kjk okLro esa fnukad 15- 1- 90 dks ;wfu;u ds ek;/e ls f"kd;k;r is"n dh A izkFkhZ }kjk le{kSrk vf/kdkjh] ckalokM+k dk dksbZ jsdkMZ Hkh is"n ugha fd;k fd ;wfu;u ds tfj;s fnukad 15- 1- 90 dks f"kd;k;r is"n dh Fkh A vr% jsdkMZ ij miyC/k lkexzh ds vk/kkj ij ;g lkfcr ugha gksrk gS fd izkFkhZ us fnukad 15- 1- 90 dks ;wfu;u ds ek;/e ls le>kSrk vf/kdkjh ckalokM+k ds le{k foi{k fo:) f"kd;k;r is"n dh Fkh A ;fn rdZ ds fy;s izkFkhZ dk ;g dFku Lohdkj Hkh fd;k tkos fd mlus fnukad 15- 1- 90 dks le>kSrk vf/kdkjh] ckalokM+k ds le{k f"kd;k;r is"n dh Fkh] rc Hkh mlus ml f"kd;k;r esa D;k dk;Zokgh gqbZ] 13 o"nKZ rd dksbZ /;ku ugha fn;k] izkFkhZ }kjk loZizFke fnukad 18- 4- 03 dks tfj;s i= le>kSrk vf/kdkjh ls mlds izdj.k esa gqbZ dk;Zokgh ds ckjs esa tkudkj pkggh tks fdLh Hkh izdkj ls LokHkkfod izrhr ugha gksrk gS A izkFkhZ us bl nksjku Lo;a dk csjstxkj gksuk o viuk Hkj.k iks"n.k ugha gksuk crk;k gS A bu ifjLFkfr;ksa esa 13 o"nKZ rd fcuk dksbZ izHkkoh dk;Zokgh fd;s pqipki cSBuk LokHkkfod izrhr ugha gksrk gS A izdj.k dh ifjLFkfr;ksa esa bl laHkkouk ls bUdkj ugha fd;k tk ldrk gS fd dksVk tkus ds ckn izkFkhZ us vU;a= dke jkstxkj izkjEHk dj fn;k blh dkj.k izkFkhZ us bl izdj.k dh vkSj dksbZ /;ku ugha fn;k vkSj 18 o"nKZ ckn ;g dk;Zokgh izkjEHk dh A vr% izkFkhZ us 18 o"nKZ i"pkr~ fookn mBkus ds IEcU/k esa tks Li"Vhdj.k fn;k gS] og larks"nizn ugha gksus ds dkj.k Lohdkj fd;s tkus ;ksX; ugha gS A

From the perusal of the discussion above, made by the labour court, it is apparent that on basis of the material available the labour court did not find the contention raised on behalf of the workman trustworthy. The finding given by the Tribunal is quite rational, thus, in no manner, it suffers from such error that may warrant interference by this Court under Article 226 and 227 of the constitution of India. Petition for writ is dismissed accordingly.