

(2009) 07 MP CK 0013

In the Madhya Pradesh High Court

Case No : Writ Petition No. 3499 of 2006 (S)

Divisional Forest Officer, Forest Division and Another

APPELLANT

Vs

Mathura Prasad Yadav

RESPONDENT

Date of Decision : 03-07-2009

Acts Referred:

Industrial Disputes Act, 1947 — Section 25F

Citation : (2011) 128 FLR 1014

Hon'ble Judges : Sushma Shrivastava, J;A.K. Mishra, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Arun Mishra and S. Shrivastava, JJ.—Writ petition has been preferred by the Petitioners aggrieved by an award dated 22.5.2002 (pronounced on 12.10.2004) passed by the Labour Court, Rewa in case No. 31/ID Act/98/Ref.

2. The writ petition has been filed with inordinate delay. The award was passed on 22.5.2002. Writ petition has been filed on 3.3.2006, on the ground of delay writ petition cannot be entertained. Apart from that we have heard the learned Counsel for the Petitioner on merit also.

3. The workman claimed that he was appointed in the year 1980 on daily wage basis. His services were dispensed with vide oral order dated 20th January, 1996. The provision of Section 25-F of the ID Act was not complied with. It was submitted that State Government had taken the decision to regularize the services of the employees who were in the employment prior to 31.12.1988.

4. In the reply filed it was contended that appointment was not as against any post. The workman did not render services for more than 240 days in the preceding year. The Labour Court has held that workman had rendered services for more than 240 days in the preceding year. His services were dispensed with illegally without compliance of provisions of Section 25-F of the ID Act. The reinstatement was ordered with 50% of the back wages. Dissatisfied with the

award instant writ petition has been preferred.

5. Shri Vinod Mehta, learned GA has submitted that the award passed by the labour Court is illegal. The workman did not render the services for more than 240 days.

6. Shri Sanjay Roy, learned Counsel for Respondent, has supported the award and relied upon the order dated 5.12.2008 pointing out that Respondent-workman was reinstated and has been superannuated on completion of 60 years on 6.12.2008.

7. Having heard the learned Counsel for the parties, it is apparent that Mahendra Kumar Jain, the witness, examined on behalf of employer, did not produce the documents. In the circumstances, statement of workman has been rightly relied upon, Mahendra Kumar Jain was also not posted during the period workman had rendered services. We do not find any perversity in the finding recorded by the Labour Court warranting interference in the writ jurisdiction. The workman was reinstated and retired by now on attaining the age of superannuation.

8. Resultantly, we do not find any ground so as to make interference in the impugned award passed by the Labour Court. Writ petition being devoid of merits deserves dismissal. Same is hereby dismissed. No costs.