
(1996) 11 RAJ CK 0030
In the Rajasthan High Court
Case No : C.W.P. No. 2660 of 1996

Executive Engineer, P.W.D. and Others	APPELLANT
Vs	
Babu Lal and Others	RESPONDENT

Date of Decision : 14-11-1996

Acts Referred:

Industrial Disputes Act, 1947 — Section 25F

Citation : (1997) 3 LLJ 797 : (1997) 2 RLW 971 : (1997) 1 WLC 709 : (1996) 2 WLN 311

Hon'ble Judges : N.L. Tibrewal, J

Bench : Single Bench

Advocate : Jainendra Jain, for the Appellant; Ajay Rastogi, for the Respondent

Final Decision : Dismissed

Judgement

N.L. Tibrewal, J.—The petitioners are challenging the Award, dated October 10, 1995, passed by the Labour Court Jaipur on a reference made by the State Government vide Notification dated May 25, 1991. The Labour Court, on the basis of evidence and materials before it, recorded a finding that the workmen had worked for more than 240 days during the period of twelve calendar months preceding the date of their termination/retrenchment. Their termination was held to be invalid and inoperative as it was made without compliance of the mandatory provisions of Section 25F of the Industrial Disputes Act.

2. The learned Counsel, appearing for the petitioners, could not point out any material or evidence on the record to show that the findings of fact arrived at by the Labour Court are vitiated in any manner, less to say any mistake apparent on face of the record. I am unable to understand as to why this petition has been preferred to burden the State exchequer when the Award cannot be assailed on any ground. Not only this, the Award to reinstate the workmen was passed on October 10, 1995 and it has not been complied with though more than 13 months have passed since then. The result of inaction on the part of Officer concerned is that workmen shall be entitled to get full wages for the intervening

period without doing any work. It is a wasteful loss of public money on account of his dereliction or laxity.

3. The unsatisfactory manner in which these cases of the State Government are conducted has become a matter of great concern for all. Large amounts of public money is being spent on these litigations, hence there has to be certain amount of accountability/responsibility towards the people of the country. This Court has lamented at times to this state of affairs but it has so far evinced no appropriate response for improvement. The Apex Court in *Union of India v. Rahul Rasgotra* (1994-I-LLJ-913) has expressed similar anguish thus at P. 919 :

"This shows the apathy of the persons responsible for the conduct of the case on behalf of the Government of India. We are not sure whether such lapses of the persons responsible for conduct of the case on behalf of the Government are deliberate or inadvertent but they are certainly culpable which need to be investigated by the authorities concerned to identify the delinquents and punish them in public interest. It is time that the derelicts are also held accountable and liable for the loss of public money due to their lapses. The stage is now reached for taking drastic steps to arrest further decadence and to implement the avowed promises held out for improvement of the working of the system. Government being the largest litigants, radical improvement is needed in the functioning of their machinery by reducing frivolous litigation and ensuring proper conduct of the necessary litigation."

4. The above observations apply with full force to the State Governments and its functionaries. Learned counsel for the petitioner could not satisfy this Court as to why action be not taken against the persons responsible for the lapses in the conduct of the present case before the Labour Court and even before this Court. Experience shows that cases on behalf of the State Government or its instrumentalities are conducted before the Labour Court and even before this Court in a most reckless and unsatisfactory manner. It is primarily due to the fact that no action is taken against the defaulting Officers. I fail to understand why such matters are not compromised in initial stages where State Government is unable to defend. After all loss of public money is a serious matter and it requires accountability and vigil at every stage. The adamant behaviour of the Officers concerned in not examining the cases in their initial stages and their cantankerous attitude for pursuing the litigation before the one or the other authorities is the main cause for the loss and wastage of the public money, and also for various and un-wanted litigation before law Courts. Primarily it ought to be the responsibility of the Head of the Department to check that public money is not wasted. It is high time that Legal Cells are constituted in all big Departments for examining each and every case before they are found in the Courts and also for a post decision examination of the causes of losing a case. If it is due to dereliction or laxity on the part of any Officer then he should be suitably punished in accordance with law. I hope and trust that the Chief Secretary, Government of Rajasthan shall take necessary steps in this direction. Necessary

action shall be taken in the instant case against the persons responsible for conduct of the case.

5. The petition is accordingly dismissed with costs of Rs. 1500/-. The State Government shall realise this amount from the salary of the petitioners who have chosen to file this petition without proper scrutiny of the case. A copy of the Order be sent to the Chief Secretary, Government of Rajasthan and the Secretary, Public Works Department (P.W.D.) Rajasthan, Jaipur, for doing the needful.