

(2000) 11 RAJ CK 0031
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4138 of 2000

Gajsinghpur Kraya Vikray Sahkari Samiti Ltd.

APPELLANT

Vs

Judge, Labour Court and another

RESPONDENT

Date of Decision : 23-11-2000

Acts Referred:

Citation : (2001) 2 RLW 812

Hon'ble Judges : B.J. Shethna, J

Bench : Single Bench

Judgement

Shethna, J.

(1). The petitioner company has challenged in this petition the impugned award dated 2.11.99 (Annex. 1) passed by the Labour Court, Sri Ganganagar whereby it is held that the termination of the respondent workman was in violation of the provisions of Industrial Disputes Act. While holding the same, the Labour Court refused reinstatement of the respondent workman in service and also back wages and in lieu of that, compensation of Rs. 30,000/- has been awarded.

(2). Learned counsel Mr. Goyal for the petitioner has raised only one submission that the petitioner company was a seasonal one and the Labour Court has not recorded its finding on this. If the petitioner factory is a seasonal one, then it would not fall under the provisions of the Industrial Disputes Act.

(3). It is true that the Labour Court has not recorded any specific finding regarding the same but the claim of the petitioner company that it was a seasonal factory was specifically denied by the respondent workman.

(4). From the evidence on record which has been reproduced in the award by the Labour Court it is clear that the respondent workman was appointed as Press Driver on 1.1.75 and since then, continuously he worked up to 11.7.89 i.e. for a period of about 14 years. It has also come on record that after he was appointed as Press Driver, he was appointed as L.D.C. by an order dated 28.2.81 and on

24.6.85, he was given pay scale for the post of L.D.C. Accordingly, he continued on the post of L.D.C. till 11.7.89.

(5). It has also come on record in the evidence of the respondent workman that the petitioner's company was not a seasonal one but it was working around the year. Merely stating that it was a seasonal factory is not sufficient. To prove its case, the petitioner ought to have produced authentic documents, which is not done here by the present petitioner, therefore, the submission of Mr. Goyal that the Labour Court committed error in passing the award against the petitioner factory, which was a seasonal one, has no substance.

(6). From the award passed by the Labour Court, it appears that on the ground of delay of nearly five years in making the reference, the Labour Court has decided to award only lumpsum amount of Rs. 30,000/- by way of compensation instead of reinstatement with back wages. This type of award passed by the Labour Court in its discretion cannot be interfered by this Court under Article 227 of the Constitution.

(7). In view of the above, this petition fails and is dismissed.

(8). Stay petition is also dismissed.