

(2002) 10 AHC CK 0071
In the Allahabad High Court
Case No : C.M.W.P. No. 37873 of 1996

Gendan Lal Pal

APPELLANT

Vs

Labour Court and Another

RESPONDENT

Date of Decision : 08-10-2002

Acts Referred:

Uttar Pradesh Industrial Disputes Act, 1947 — Section 2

Citation : (2003) 1 AWC 224 : (2002) 95 FLR 859

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : B.P. Tewari, for the Appellant; D.P. Singh and S.C., for the Respondent

Judgement

Anjani Kumar, J.—The petitioner by means of this writ petition has challenged the award passed by the Labour Court-Ill, Kanpur, dated 30.4.1996 in Adjudication Case No. 210 of 1992.

2. The State Government referred the following dispute to the labour court to be adjudicated upon :

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3. The parties have exchanged their pleadings, The employers have disputed the fact that the concerned workman is not a workman within the meaning of Section 2 (z) of U. P. Industrial Disputes Act. 1947 and adduced the evidence to this effect. The workman was also allowed to adduce the evidence. Labour court after considering the material available on record had arrived at the conclusion that since the pay scale of the workman is Rs. 1,640-2,900 and he is getting salary in the pay scale of 1,640-2,900 and his total wages are Rs. 4,963 per month and in

fact he is working as Supervisor whereas he is wrongly mentioned as shift in-charge. It has also been admitted as found by the labour court" that the workman issues directions to the workmen working in D. and F. department, issues charge-sheet and warns them and also sanctions leave.

4. In this view of the matter, it has been argued on behalf of the employer before the labour court that the workman concerned is not covered by the definition given u/s 2 (z) of U. P. Industrial Disputes Act. Labour court answered the reference against the workman holding that the workman is not a workman within the meaning of Section 2 (z) of U. P. Industrial Disputes Act and is not entitled for any relief.

5. Learned counsel for the petitioner has tried to assail these findings and has stated that the statement made in the award of the labour court is incorrect but he has not challenged the same in the writ petition. Therefore, at this stage, workman will not be permitted to argue this point here in the writ petition. Further, learned counsel for the petitioner has not been able to demonstrate that the findings arrived at by the labour court suffer from any error, much less error of law.

6. In this view of the matter, this Court declines to interfere with the findings arrived at by the labour court. The writ petition is devoid of merit and is dismissed.