
(2013) 11 RAJ CK 0119
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1665 of 2012

Jetha Ram

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 25-11-2013

Acts Referred:

Citation : (2013) 11 RAJ CK 0119

Hon'ble Judges : Vijay Bishnoi, J

Bench : Single Bench

Advocate : Sikander Khan, for the Appellant; K.K. Bissa, for the Respondent

Final Decision : Partly Allowed

Judgement

Vijay Bishnoi, J.—This writ petition has been preferred by the petitioner Jetha Ram while challenging the award dated 01.06.2011 passed by the Labour Court, Jodhpur in Labour Case No. 20/2004. Briefly stated facts of the case are that the appropriate Government referred an industrial dispute for its adjudication to the Labour Court, Udaipur to the effect that whether the termination of the petitioner-workman from services in March 1997, after abolition of the Octroi (Chungi) and thereafter not appointing him on the post of Gram Sewak as per the directions of the State Government, is proper and legal and if not, then for what relief, the workman is entitled for?

2. The learned Labour Court after taking into consideration the statement of claim and reply to the statement of claim and the evidence produced on behalf of the parties has held that the termination of the petitioner from his services in March 1997 is not proper and legal, however, the Labour Court has held that the respondents have rightly not appointed the petitioner on the post of Gram Sewak. The learned Labour Court has thereafter awarded a sump sum compensation of Rs. 25,000/- to the petitioner in lieu of reinstatement.

3. The petitioner has challenged the said judgment and award dated 01.06.2011 while claiming that once the learned Labour Court has held that the

retrenchment of the petitioner in March 1997 is illegal then he is entitled for relief of reinstatement in lieu of compensation.

4. During the course of arguments, the learned counsel for the petitioner has fairly conceded that since the service of the petitioner has been terminated in the year 1997 and so many years have been passed, it is difficult for the respondents to reinstate the petitioner in service. Therefore, he does not want to press the relief of reinstatement, but has argued that the lump sum compensation awarded by the Labour Court is too meagre and the same should be enhanced adequately. It is also contended by learned counsel for the petitioner that till date, the petitioner has not received any compensation from the respondents in pursuance of the directions given by the Labour Court. Per contra, the learned counsel for the respondents has argued that the learned Labour Court has not committed any illegality in passing the impugned judgment and award and has rightly not granted the relief of reinstatement. However, during the course of argument, learned counsel for the respondents fairly conceded that compensation awarded by the learned Labour Court is not adequate and submitted that the same may be suitably enhanced.

5. Heard learned counsel for the parties and perused the impugned award as well as the material available on record.

6. After taking into consideration overall facts and circumstances, this Court is of the opinion that the Labour Court has awarded less compensation to the workman in lieu of reinstatement.

7. Services of the petitioner were terminated illegally in the year 1997 and till date, he has not received any compensation from the respondents in pursuance of the impugned judgment and award. At the time of termination of his services, the petitioner was about 20 years of age and is waiting for justice from last fifteen years. Hence, this Court feels that the compensation, awarded to the petitioner in lieu of reinstatement, should be enhanced. Accordingly, this writ petition filed by the petitioner is accepted in part. The impugned award dated 01.6.2011 passed by the Labour Court is modified in the manner that amount of compensation awarded to the petitioner Jetha Ram is enhanced to Rs. 75,000/- instead of Rs. 25,000/-. The said compensation is required to be paid to the petitioner Jetha Ram within a period of three months from the date of production of certified copy of this order. In the event of failure in making payment of compensation within the stipulated time, the workman shall be entitled to get interest at the rate of 7.5% per annum.