

(2015) 01 RAJ CK 0247
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4862 of 2013

Maresh

APPELLANT

Vs

Presiding Officer, Labour Court No. 2 and Others

RESPONDENT

Date of Decision : 09-01-2015

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Industrial Disputes Act, 1947 — Section 10, 10(1), 10(1)(c), 12 (5), 25-F

Citation : (2015) 01 RAJ CK 0247

Hon'ble Judges : Veerender Singh Siradhana, J

Bench : Single Bench

Advocate : Dharmendra Jain, for the Appellant

Final Decision : Dismissed

Judgement

Veerender Singh Siradhana, J.—The petitioner has instituted the instant writ application feeling aggrieved of the award dated 9th August, 2011, passed by the Labour Court-II, Jaipur, to the extent of grant of relief of compensation in lieu of reinstatement with continuity of service, back wages and other consequential benefits.

2. Briefly, the material facts necessary for appreciation of the controversy raised needs to be first noticed. The petitioner-workman assailed the action of the respondent-employer in terminating his employment contrary to the mandate of Section 25-F of the Industrial Disputes Act, 1947 (for short, "the Act of 1947"), for he had completed more than of 240 days of continuous service in preceding calender year to his retrenchment w.e.f. 1st December, 1994 to 28th February, 1996. The services of the petitioner-workman were terminated on 29th February, 1996, by a verbal order. The petitioner-workman raised an industrial dispute after a delay of 9 years. Consequent upon a failure report submitted by the Conciliation Officer; the State Government, in exercise of powers under Section 10(1)(c) of the Act of 1947, made a reference to the Labour Court-II, Jaipur, for adjudication.

3. On a consideration of the pleaded facts of the statement of claim, it's response by the State/employers, evidence adduced and materials available on record as well as having heard the representations of the contesting parties, the Labour Court-II, Jaipur, recorded a finding in affirmative in favour of the petitioner-workman for he had worked for more than 240 days in the preceding calender year with the respondent-employer. Since the termination of employment was effected without any notice or notice pay and retrenchment compensation, the action was found in violation of the mandate of Section 25-F of the Act of 1947. However, while considering the issue of grant of relief for the petitioner-workman raised the industrial dispute after an inordinate, undue and unexplained delay of 9 years; compensation of an amount of Rs. 2,00,000/- (Rs. Two lacs) awarded was considered to be the proper relief in lieu of reinstatement.

4. Learned counsel for the petitioner-workman, Mr. Dharmendra Jain, reiterating the pleaded facts and grounds of the writ application emphasized that once the retrenchment was found to be illegal and invalid for violation of mandate of Section 25-F of the Act of 1947; the Labour Court was not justified in molding the relief for compensation in lieu of reinstatement.

5. According to the learned counsel, the Labour Court-II, Jaipur, committed gross jurisdictional error while making an award for compensation in lieu of reinstatement. Furthermore, the petitioner-workman has been deprived of an opportunity of conferment of "semi-permanent" and "permanent" status for the illegal action of the respondent-employer in terminating the employment. To buttresses his submissions, reliance has been placed on the opinion of the Hon"ble Supreme Court in the case of Devinder Singh Vs. Municipal Council, Sanaur, AIR 2011 SC 2532 : (2011) 130 FLR 337 : (2011) 5 JT 333 : (2011) 3 LLJ 1 : (2011) LLR 785 : (2011) 4 SCALE 631 : (2011) 6 SCC 584 : (2011) 2 SCC(L&S) 153 : (2011) 2 UJ 1612 : (2011) AIRSCW 3455 ; Anup Sharma, Executive Engineer, Public Health Department, Haryana: 2010 (5) SCC 997 ; Harjinder Singh Vs. Punjab State Warehousing Corporation, AIR 2010 SC 1116 : (2010) 124 FLR 700 : (2010) 1 JT 598 : (2010) 2 LLJ 277 : (2010) 1 SCALE 613 : (2010) 3 SCC 192 : (2010) 1 SCC(L&S) 1146 : (2010) 1 SCR 591 : (2010) 2 SLR 15 and the opinion of this Court in the case of Prithviraj Vs. Labour Court and Ors [2005 (8) RDD 3280].

6. The impugned award, to the extent of molding of the relief for compensation in lieu of reinstatement, has also been assailed on the ground of discrimination, placing on record a copy of an award dated 29th September, 2010 in LCR No. 161 of 1999, wherein, according to the learned counsel, an award for reinstatement with 50% back wages was made in identical facts and circumstances.

7. I have heard the learned counsel for the petitioner-workman and with his assistance perused the materials available on record.

8. The assailment of the impugned award to the extent of molding of the relief,

assailed on the ground of discrimination in identical matters, appears to be absolutely misconceived on the face of the record.

9. A glance of the impugned award dated 9th August, 2011, and the award made on 29th September, 2010; would reveal that the workman, in the case LCR No. 161/1999, was engaged in September, 1979, in Sikar Nursary, on daily wages basis and continued to work until the termination of his employment on 1st January, 1989. The very fact with reference to the nature of employment in the establishment and the period for which the workman was engaged therein, which was nearly a decade; the case of the petitioner-workman cannot be treated to be an identical or similar matter to that of the case referred to and relied upon. The petitioner worked only for one year and a month w.e.f. 1st December, 1994 to 28th February, 1996, and that too in various schemes/projects of the Central Government and State Government.

10. Indisputably, the industrial dispute was raised after an inordinate, abnormal, undue and unexplained delay of 9 years. The Labour Court-II, Jaipur, after having recorded a finding on the issue of retrenchment being illegal and invalid for non-compliance of the mandate of Section 25-F of the Act of 1947; considered the issue of grant of relief in the case where the industrial dispute was raised after a delay of 9 years. The issue of grant of relief was considered in the back drop of the opinion of the Hon'ble Supreme Court in the case of Kuldeep Singh Vs. G.M., Instrument Design Development and Facilities Centre and Another, AIR 2011 SC 455 : (2011) 111 CLT 802 : (2011) 128 FLR 121 : (2011) 1 LLJ 615 : (2010) AIRSCW 7233 , State of Punjab Vs. Anil Kumar, (2007) 113 FLR 946 : (2007) 7 JT 559 : (2007) 2 LLJ 815 : (2007) 147 PLR 94 : (2007) 6 SCALE 300 : (2007) 9 SCC 663 : (2007) 2 SCC(L&S) 1003 : (2007) 5 SCR 650 , wherein there was a delay of five and half years and 13 years, respectively, and therefore, no back wages were accorded.

11. True, it is, that no limitation has been prescribed under the Act of 1947, for raising an industrial dispute, but that does not mean that the dispute can be raised at any time without having regard to the inordinate delay and laches. Though, there is no limitation prescribed for reference of disputes to an industrial adjudicatory authority even then the disputes are required to be referred for adjudication as soon as possible after they arise and the conciliation proceedings have failed. A delay of 4 years in raising the dispute even after re-employment of the majority of the old workmen was held to be fatal in the case of Shalimar Works Limited Vs. Their Workmen, AIR 1959 SC 1217 : (1959) 2 LLJ 26 : (1960) 1 SCR 150 . In the case of The Nedungadi Bank Ltd. Vs. K.P. Madhavankutty and Others, AIR 2000 SC 839 : (2000) 84 FLR 673 : (2000) 1 JT 388 : (2000) 1 LLJ 561 : (2000) 1 SCALE 306 : (2000) 2 SCC 455 : (2000) SCC(L&S) 283 : (2000) 1 SCR 459 : (2000) 3 SLJ 22 : (2000) AIRSCW 397 : (2000) AIRSCW 1592 : (2000) 3 Supreme 729 : (2000) 1 Supreme 359 , a delay of 7 years was held to be fatal and dis-entitled the workmen to any relief.

12. In the case of Ratan Chandra Sammanta and others Vs. Union of India and

others, AIR 1993 SC 2276 : (1993) 3 JT 418 : (1993) LabIC 1672 : (1993) 2 LLJ 676 : (1993) 2 SCALE 974 : (1993) 4 SCC 67 Supp : (1993) 3 SCR 751 ; the Hon"ble Supreme Court observed that casual labourers retrenched by the employer would deprive themselves of remedy available in law by delay itself, lapse of time results in losing the remedy and the right as well. The delay would certainly be fatal even if it has resulted in material evidence relevant to adjudication being lost and not available.

13. The view aforesaid, has been reiterated, by the Hon"ble Supreme Court that the Employers in relation to the Management of Sudamdih Colliery of Bharat Coking Coal Ltd. Vs. Their workmen represented by Rashtriya Colliery Mazdoor Sangh, AIR 2006 SC 946 : (2006) 1 JT 411 : (2006) 1 LLJ 820 : (2006) 1 SCALE 284 : (2006) 2 SCC 329 : (2006) SCC(L&S) 306 : (2006) 1 SCR 391 : (2006) 3 SLJ 428 : (2006) AIRSCW 378 : (2006) AIRSCW 912 : (2006) 1 Supreme 282 : (2006) 2 Supreme 92 and Chief Engineer, Ranjit Sagar Dam and Another Vs. Sham Lal, AIR 2006 SC 2682 : (2006) 110 FLR 552 : (2006) 6 JT 50 : (2006) 3 LLJ 326 : (2006) 6 SCALE 388 : (2006) 9 SCC 124 : (2006) SCC(L&S) 1617 : (2006) 3 SCR 80 Supp : (2006) AIRSCW 3574 : (2006) 5 Supreme 142 .

14. The Hon"ble Apex Court of the land while considering the import of words i.e. "at any time", as applied under Section 10(1) of the Act of 1947 and Section 4 of the U.P. Industrial Disputes Act, in the back drop of an objection of delay and laches in the case of Kuldeep Singh (supra), placing reliance upon the observations of a three-Judge Bench decision in the case of Western India Match Co. Ltd. Vs. The Western India Match Co. Workers Union and Others, AIR 1970 SC 1205 : (1970) 20 FLR 297 : (1970) LabIC 1033 : (1970) 2 LLJ 256 : (1970) 1 SCC 225 : (1970) 3 SCR 370 ; concluded that there are case in which lapse of time results into fading or even eclipse of the dispute. If nobody had kept the dispute alive during the long interval, it is reasonably possible to conclude in a particular case that the dispute ceased to exist after some time. The long delay in adjudication could be considered by the adjudicatory authorities while moulding its reliefs. However, the reference itself may not be axed down altogether. In the case of Nedungadi Bank Ltd. (supra), the Hon"ble Supreme Court, held thus:

"6. Law does not prescribe any time-limit for the appropriate Government to exercise its powers under Section 10 of the Act. It is not that this power can be exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of the order dismissing the Respondent from service. At the time reference was made no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject-matter of reference under Section 10 of the Act. As to when a dispute can be said to be stale would depend on the facts and circumstances of each case. When the matter has become final, it

appears to us to be rather incongruous that the reference be made under Section 10 of the Act in the circumstances like the present one. In fact it could be said that there was no dispute pending at the time when the reference in question was made. The only ground advanced by the Respondent was that two other employees who were dismissed from service were reinstated. Under what circumstances they were dismissed and subsequently reinstated is nowhere mentioned. Demand raised by the Respondent for raising an industrial dispute was *ex facie* bad and incompetent."

15. From the law declared by the Hon''ble Apex Court of the land as aforesaid, it is evident that though law does not prescribe any time limit for the appropriate Government to exercise its powers under Section 10 of the Act of 1947; but the power is to be exercised reasonably and in a rational manner. In the case of *Nedungadi Bank Ltd. (supra)*, the power was exercised after a lapse of about seven years of the termination the employment of the workman from service and no adequate reasons were furnished for a long delay and the only ground pleaded was that two other similarly placed employees were reinstated. The reference made was held to be incongruous, in those circumstances. The view has been reiterated by the Hon''ble Supreme Court in the case of *Haryana State Coop. Land Development Bank Vs. Neelam*, AIR 2005 SC 1843 : (2005) 2 ESC 192 : (2005) 105 FLR 114 : (2005) 2 JT 600 : (2005) 1 LLJ 1153 : (2005) 5 SCC 91 : (2005) 2 SCR 424 : (2005) 2 SLJ 218 : (2005) 2 UJ 798 .

16. It is trite law that a reference sought for by the workman cannot be said to be delayed or suffering from a lapse when the law does not prescribe any period of limitation for raising a dispute under Section 10 of the Act of 1947, but the real test for making a reference is whether the dispute existed at the time of reference made. Once the reference is made, it is presumed that the appropriate Government is satisfied with the ingredients of the provision, and therefore, it is not open for the adjudicating authority to go behind the reference. It is equally well settled that the appropriate Government cannot go into the merit of the dispute concerned and once the existence of an industrial dispute is arrived at, the appropriate Government is obliged to make a reference. Though, there is no limitation prescribed for reference of a dispute to the Labour Court/Industrial Tribunal, as the case may be, but then the dispute(s) must be referred as soon as possible in the event they are raised. Inordinate, undue and unexplained delay would certainly be fatal.

17. By now, it is well settled law that Labour Court/Industrial Tribunal while adjudicating an industrial dispute relating to discharge or dismissal, are vested with wide discretion and if the discretion vested is exercised keeping in view the facts and attending circumstances of the case, having regard to the pleaded facts, evidence adduced and material available on record; it will not be open for the High Court, in exercise of writ jurisdiction under Article 226 and 227 of the Constitution of India, to interfere with the same, but for well settled principles propounded by the Hon''ble Supreme Court, for exercise of writ of certiorari while

examining the legality and validity of an order/award passed by the Labour Court or Industrial Tribunal.

18. Admittedly, in the case at hand, the petitioner-workman was engaged on daily wages basis. From the findings arrived at by the Labour Court, Jaipur, it is reflected that the petitioner-workman was engaged in different Schemes/Projects floated by Central and State Government. However, there were no gazette notification according exemption to the Schemes/Projects from the operation of the Act of 1947. The petitioner-workman was disengaged way back on 29th February, 1996. The Industrial dispute was raised by the petitioner-workman after an inordinate, undue and unexplained abnormal delay of 9 years. No reasons have been put forth and no material is available on record for the undue inordinate and abnormal delay of 9 years. The judicial proceedings before the Labour Court-II, Jaipur, commenced only after notification made by the State Government on 4th January, 2006, in exercise powers under Section 10(1)(c) read with Section 12 (5) of the Act of 1947. It is apparent on the face of the record as well as admitted that the petitioner-workman on daily wages basis for one year and a month and is out of service for last 19 years. Even at the time when the Labour Court-II, Jaipur, made the award dated 9th August, 2011, a period of 15 years had elapsed since the termination of his employment.

19. Law that has now developed on this aspect of the matter through a period of time, by a catena of judgments, delivered by the Hon"ble Supreme Court, the legal position is well settled. In a recent pronouncement in the case of B.S.N.L. Vs. Bhurumal, (2014) 2 ABR 235 : (2014) 1 AD 467 : AIR 2014 SC 1188 : (2014) 140 FLR 901 : (2013) 15 JT 611 : (2014) LabIC 1093 : (2014) 1 LLJ 260 : (2013) 15 SCALE 131 : (2014) 3 SCJ 195 : (2014) 3 SCT 49 : (2014) 1 SLJ 293 ; after a survey of earlier opinions of the Hon"ble Supreme Court on the question of reinstatement, it has been observed thus:

"The learned Counsel for the Appellant referred to two judgments wherein this Court granted compensation instead of reinstatement. In the case of Bharat Sanchar Nigam Ltd. Vs. Man Singh, (2012) 132 FLR 500 : (2012) 1 SCC 558 : (2012) 1 SLJ 199 , this Court has held that when the termination is set aside because of violation of Section 25-F of the Industrial Disputes Act, it is not necessary that relief of reinstatement be also given as a matter of right. In the case of Incharge Officer and Another Vs. Shankar Shetty, (2010) 9 JT 262 : (2010) 4 LLJ 617 : (2010) 9 SCC 126 : (2010) 10 SCR 773 : (2010) 6 SLR 530 , it was held that those cases where the workman had worked on daily wage basis, and worked merely for a period of 240 days or 2-3 years and where the termination had taken place many years ago, the recent trend was to grant compensation in lieu of reinstatement. In this judgment of Shankar Shetty, this trend was reiterated by referring to various judgments, as is clear from the following discussion. Should an order of reinstatement automatically follow in a case where the engagement of a daily wager has been brought to end in violation of Section 25-F of the Industrial Disputes Act, 1947 (for short "the ID

Act")? The course of the decisions of this Court in recent years has been uniform on the above question.

In Jagbir Singh Vs. Haryana State Agriculture Marketing Board and Another, AIR 2009 SC 3004 : (2009) 122 FLR 665 : (2009) 9 JT 396 : (2009) 15 SCC 327 : (2010) 1 SCC(L&S) 545 : (2009) 10 SCR 908 : (2009) 5 SLR 606 : (2009) 8 UJ 3727 : (2009) AIRSCW 4824 : (2009) 5 Supreme 629 delivering the judgment of this Court, one of us (R.M. Lodha, J.) noticed some of the recent decisions of this Court, namely, U.P. State Brassware Corpn. Ltd. and Another Vs. Udai Narain Pandey, AIR 2006 SC 586 : (2006) 108 FLR 201 : (2005) 10 JT 344 : (2006) 1 LLJ 496 : (2006) 1 SCC 479 : (2006) SCC(L&S) 250 : (2006) 2 SLJ 327 : (2005) AIRSCW 6314 : (2005) 8 Supreme 815 , Uttaranchal Forest Development Corporation Vs. M.C. Joshi, (2007) 113 FLR 191 : (2007) 2 LLJ 390 : (2007) 3 SCALE 545 : (2007) 9 SCC 353 : (2007) 4 SCR 114 : (2008) 3 SLJ 155 : (2007) AIRSCW 3345 : (2007) 4 Supreme 712 , State of M.P. and Others Vs. Lalit Kumar Verma, AIR 2007 SC 528 : (2007) 112 FLR 345 : (2006) 12 SCALE 642 : (2007) 1 SCC 575 : (2007) 1 SCC(L&S) 405 : (2006) 9 SCR 591 Supp , Madhya Pradesh Administration Vs. Tribhuban, (2007) 113 FLR 886 : (2007) 2 LLJ 577 : (2007) 5 SCALE 397 : (2007) 9 SCC 748 : (2008) 1 SCC(L&S) 264 : (2007) 4 SCR 378 : (2007) 1 UJ 640 , Sita Ram and Others Vs. Moti Lal Nehru Farmers Training Institute, AIR 2008 SC 1955 : (2008) 1 CLT 318 : (2008) 117 FLR 1191 : (2008) 3 JT 622 : (2008) 2 LLJ 688 : (2008) 4 SCALE 77 : (2008) 5 SCC 75 : (2008) 2 SCC(L&S) 71 : (2008) AIRSCW 2256 : (2008) 2 Supreme 375 , Jaipur Development Authority Vs. Ram Sahai and Another, (2006) 111 FLR 1178 : (2006) 9 JT 520 : (2006) 11 SCALE 95 : (2006) 11 SCC 684 : (2006) 8 SCR 95 Supp , Ghaziabad Development Authority and Another Vs. Ashok Kumar and Another, (2008) 2 CLT 526 : (2008) 117 FLR 1198 : (2008) 2 JT 494 : (2008) 1 LLJ 1013 : (2008) 2 SCALE 593 : (2008) 4 SCC 261 : (2008) 1 SCC(L&S) 1016 : (2008) AIRSCW 4738 : (2008) AIRSCW 1474 : (2008) 2 Supreme 282 and Mahboob Deepak Vs. Nagar Panchayat Gajraula and Another, (2008) 2 CLT 230 : (2008) 116 FLR 379 : (2008) 1 JT 150 : (2008) 1 LLJ 855 : (2007) 14 SCALE 504 : (2008) 1 SCC 575 : (2008) 1 SCC(L&S) 239 and stated as follows: (Jagbir Singh case, SCC pp. 330 and 335 paras 7 and 14).

It is true that the earlier view of this Court articulated in many decision reflected the legal position that if the termination of an employee was found to be illegal, the relief of reinstatement with full back wages would ordinarily follow. However, in recent past, there has been a shift in the legal position and in a long line of cases, this Court has consistently taken the view that relief by way of reinstatement with back wages is not automatic and may be wholly inappropriate in a given fact situation even though the termination of an employee is in contravention of the prescribed procedure. Compensation instead of reinstatement has been held to meet the ends of justice.

It would be, thus, seen that by a catena of decisions in recent time, this Court has clearly laid down that an order of retrenchment passed in violation of Section

25-F although may be set aside but an award of reinstatement should not, however, automatically passed. The award of reinstatement with full back wages in a case where the workman has completed 240 days of work in a year preceding the date of termination, particularly, daily wagers has not been found to be proper by this Court and instead compensation has been awarded. This Court has distinguished between a daily wager who does not hold a post and a permanent employee.

Jagbir Singh has been applied very recently in Senior Superintendent Telegraph (Traffic) Bhopal Vs. Santosh Kumar Seal and Others, (2010) 3 LLJ 600 : (2010) 4 SCALE 333 : (2010) 6 SCC 773 , wherein this Court stated: (SCC p. 777, para 11). In view of the aforesaid legal position and the fact that the workmen were engaged as daily wagers about 25 years back and they worked hardly for 2 or 3 years, relief of reinstatement and back wages to them cannot be said to be justified and instead monetary compensation would subserve the ends of justice."

20. In the case of BSNL (supra) taking note of the opinions referred to in the aforesaid paragraphs and a few more cases, the legal position was summed up, thus:

"It is clear from the reading of the aforesaid judgments that the ordinary principle of grant of reinstatement with full back wages, when the termination is found to be illegal is not applied mechanically in all cases. While that may be a position where services of a regular/permanent workman are terminated illegally and/or malafide and/or by way of victimization, unfair labour practice etc. However, when it comes to the case of termination of a daily wage worker and where the termination is found illegal because of procedural defect, namely in violation of Section 25-F of the Industrial Disputes Act, this Court is consistent in taking the view in such cases reinstatement with back wages is not automatic and instead the workman should be given monetary compensation which will meet the ends of justice. Rationale for shifting in this direction is obvious.

Reasons for denying the relief of reinstatement in such cases are obvious. It is trite law that when the termination is found to be illegal because of non-payment of retrenchment compensation and notice pay as mandatorily required under Section 25-F of the Industrial Disputes Act, even after reinstatement, it is always open to the management to terminate the services of that employee by paying him the retrenchment compensation. Since such a workman was working on daily wage basis and even after he is reinstated, he has no right to seek regularization (See: Secretary, State of Karnataka and Others Vs. Umadevi and Others, AIR 2006 SC 1806 : (2006) 6 CompLJ 1 : (2006) 4 JT 420 : (2006) 2 LLJ 722 : (2006) 4 SCALE 197 : (2006) 4 SCC 1 : (2006) 3 SLJ 1 : (2006) AIRSCW 1991 : (2006) 3 Supreme 415). Thus when he cannot claim regularization and he has no right to continue even as a daily wage worker, no useful purpose is going to be served in reinstating such a workman and he can be given monetary compensation by the Court itself inasmuch as if he is terminated again after reinstatement, he would receive monetary compensation only in the form of

retrenchment compensation and notice pay. In such a situation, giving the relief of reinstatement, that too after a long gap, would not serve any purpose.

We would, however, like to add a caveat here. There may be cases where termination of a daily wage worker is found to be illegal on the ground it was resorted to as unfair labour practice or in violation of the principle of last come first go viz. while retrenching such a worker daily wage juniors to him were retained. There may also be a situation that persons junior to him were regularized under some policy but the concerned workman terminated. In such circumstances, the terminated worker should not be denied reinstatement unless there are some other weighty reasons for adopting the course of grant of compensation instead of reinstatement. In such cases, reinstatement should be the rule and only in exceptional cases for the reasons stated to be in writing, such a relief can be denied."

21. Having regard to the singular facts, attending circumstances and materials available on record as well as the findings arrived at by the Labour Court-II, Jaipur, the relief accorded to the petitioner of compensation to the tune of Rs. 2,00,000/- (Rs. Two lacs) in lieu of reinstatement; cannot be faulted. The fact that the dispute was raised after an inordinate, abnormal and unexplained delay of 9 years, cannot be lost sight of. Moreover, the termination has been held to be illegal only on a technical ground of not adhering to the mandate of Section 25-F of the Act of 1947. The Act of 1947 confers wide powers on the industrial adjudicator. The Act deals with Industrial Disputes provides for conciliation, adjudication and settlements while regulating the rights of the parties and the enforcement of the awards and settlements. The Act of 1947 is benign measure, which seeks to pre-empt industrial tensions, provides for the Mechanism of dispute-resolutions and set up of the necessary infrastructure so that the energies of the partners in production may not be dissipated in counter-productive battles and the assurance of industrial justice may create a climate of goodwill, as held by Hon'ble Krishna Iyer, J: in the case of Life Insurance Corporation of India Vs. D.J. Bahadur and Others, AIR 1980 SC 2181 : (1980) LabIC 1218 : (1981) 1 LLJ 1 : (1981) 1 SCC 315 : (1981) 1 SCR 1083 .

22. For the reasons and discussions hereinabove, the discretion exercised by the Labour Court-II, Jaipur, while moulding the relief of compensation to the tune of Rs. 2,00,000/- (Rs. Two lacs) in lieu of reinstatement; cannot be faulted. Having regard to the singular facts and materials available on record, the matter calls for no interference in exercise of writ jurisdiction under Article 226 and 227 of the Constitution of India.

23. In the result, the writ petition is devoid of any substance and lacks in merit, and therefore, deserves to be dismissed.

24. Ordered accordingly.

25. No costs.