
(1997) 04 AHC CK 0082

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 3562 of 1995

Maresh Ram

APPELLANT

Vs

Presiding Officer, Labour Court, Gorakhpur & Ors.

RESPONDENT

Date of Decision : 23-04-1997

Acts Referred:

Industrial Disputes Act, 1947 — Section 25F, 25FFF

Citation : (1997) 04 AHC CK 0082

Hon'ble Judges : M.Katju, J

Final Decision : Dismissed

Judgement

M. Katju, J.—This writ petition has been filed against the impugned award of the Labour Court, Gorakhpur, dated 16/11/1993 Annexure 11 to the writ petition.

2. I have heard learned counsel for the parties.

3. The claim of the petitioner is that he was appointed in the establishment of the respondent as daily wage employee on Rs. 8/ per day in October, 1981 and he was promoted in June 1983 to the post of Roopwani Prahari on the consolidated pay of Rs. 240/ per month. He alleged that he has worked continuously from October, 1981 and was paid salary till February but he was not paid there after although he worked up to July, 1987. He was not allowed to work there after. Hence he raised an industrial dispute which has been decided against the petitioner. Hence this petition.

4. Before the Labour Court the parties filed written statement and rejoinder statements true copies of which are Annexures 1 to 4 to the writ petition. Copy of the petitioner's statement before the Labour Court is Annexure 7 to the writ petition. True copy of the evidence of the employer is Annexure 8 to the writ petition.

5. The Labour Court has recorded its finding that the petitioner was appointed against a Project and since that Project had come to an end, his service automatically came to an end. Hence, it was not a case of retrenchment.

Evidently the petitioner was doing the work of planting during the Project and since that Project had come to an end, he cannot be retained in service as it was not a permanent job. These are finding of fact and I cannot interfere with the same in writ jurisdiction. When a Project came to an end, it is obviously a case of closure and not of retrenchment and hence Section 25 F of the Industrial Disputes Act does not have to be complied with. However, the petitioner shall be paid closure compensation under Section 25 F of the Industrial Dispute Act by the respondent No. 3 within three months of production of a certified copy of this order.

6. The petition is dismissed subject to above observation.