
(2011) 11 MP CK 0007

In the Madhya Pradesh High Court

Case No : Writ Petition No. 4902 of 2005 (S)

Project Officer Now Superintendent National

APPELLANT

Vs

Jardan Singh and another

RESPONDENT

Date of Decision : 01-11-2011

Acts Referred:

Industrial Disputes Act, 1947 — Section 10, 25

Citation : (2011) 11 MP CK 0007

Hon'ble Judges : S.K. Gangele, J;Brij Kishore Dubey, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Justice S.K. Gangele

1. The petitioner has filed this petition against the award dated 9.8.2004. The appropriate Government referred the dispute to the Labour Court u/s 10 of the Industrial Disputes Act, 1947 to adjudicate that whether the termination of the services of the respondent was proper or not. In his statement of claim, respondent submitted that he was engaged in the year 1982 and w.e.f. 4.5.1990 his services were termination without payment of retrenchment compensation or inquiry. On behalf of the petitioner, it was contended before the Labour Court that the respondent was engaged on daily wage basis and he had worked on the basis of availability of work because there was no work, hence, his services were terminated. On the basis of documentary and oral evidence the Labour Court has recorded findings that the respondent had been working from 19.8.1982 upto the date of retrenchment i.e. 4.5.1990, therefore, he completed more than 240 days in a calender year, hence, the termination of the respondent is in violation of Section 25(f) of Industrial Disputes Act, 1947 and the Labour Court passed an award to reinstate the respondent without back wages.

2. The petitioner did not substantiate the claim that the respondent was engaged for a particular period or he was employed in particular project. Contrary to this,

the respondent had worked from 19.8.1982 upto 4.5.1990 continuously. In such circumstances, in our opinion, the Labour Court has rightly held that the termination of the respondent was in violation of Section 25(f) of the Industrial Disputes Act. Consequently, we do not find any merit in this petition. It is dismissed, accordingly.