
(2014) 05 RAJ CK 0200
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1432/2001

Rajendra Kumar	Vs	APPELLANT
Managing Director		RESPONDENT

Date of Decision : 08-05-2014

Acts Referred:

Industrial Disputes Act, 1947 — Section 25-F

Citation : (2014) 05 RAJ CK 0200

Hon'ble Judges : Gopal Krishan Vyas, J

Bench : Single Bench

Advocate : Nitin Trivedi, Advocate for the Appellant; K.R. Saharan, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Gopal Krishan Vyas, J.—The instant writ petition has been filed by the petitioner workman to challenge the validity of the award dated 10.4.2000 whereby the Judge, Labour Court, Bikaner passed an award upon reference made by the appropriate Government on 3.7.1995 whereby the dispute with regard to termination of the petitioner workman w.e.f. 19.6.1993 was referred by the appropriate government.

2. Learned counsel for the petitioner submits that the petitioner workman was provided appointment on 1.5.1992 on the post of LDC on daily rate basis and he was permitted to work upto 12.6.1993 but his services were terminated without giving any notice and retrenchment compensation as provided u/s 25-F of the ID Act. Before the Judge, Labour Court, Bikaner, the petitioner workman filed his claim petition and led evidence for the purpose of proving the fact that he has completed 240 days but Judge, Labour Court gave finding that the petitioner did not complete 240 days in one calendar year.

3. According to the reply filed by the respondents, no appointment was given tot he petitioner more so the petitioner was given work of typing and payment of

typing work was made as per the bills submitted by him, therefore, his engagement to perform duties for typing work cannot be termed as employment by the respondent department. The Judge, Labour Court gave finding on the fact that the petitioner did not complete 240 days.

4. I have considered the rival submission made by the parties and perused the impugned award. In my opinion, the finding arrived at by the Judge, Labour Court for not completing 240 days in a calendar year does not require any interference because the petitioner has failed to prove by any evidence that he had completed 240 days in service, therefore, no case is made out for interference in the award impugned. Hence, this writ petition is hereby dismissed.