
(2013) 09 MP CK 0114

In the Madhya Pradesh High Court

Case No : Writ Petition No. 14325 of 2013

R.K. Ben

APPELLANT

Vs

Chief General Manager and Another

RESPONDENT

Date of Decision : 06-09-2013

Acts Referred:

Citation : (2013) 09 MP CK 0114

Hon'ble Judges : R.S. Jha, J

Bench : Single Bench

Advocate : S.K. Pathak, for the Appellant;

Final Decision : Dismissed

Judgement

R.S. Jha, J.—Heard Shri S.K. Pathak, learned counsel for the petitioner on the question of admission. The petitioner has filed this petition being aggrieved by the award dated 14.03.2013 by which the dispute raised by the petitioner before the C.J.I.T.-cum-Labour Court, Jabalpur has been allowed to the extent that while the retrenchment of the petitioner has been held to be contrary to law, instead of directing reinstatement of the petitioner, a compensation of Rs. One lac has been directed to be paid.

2. It is submitted by the learned counsel for the petitioner that once the Labour Court recorded a finding to the effect that the petitioner had worked 240 days for the preceding months and was directly removed without complying with provisions of the I.D. Act, the Labour Court was bound to order reinstatement of the petitioner and could not have passed order for payment of compensation in lieu thereof.

3. Having heard the learned counsel for the petitioner it is observed that the Labour Court in paragraph 9 of the award has relied upon law laid down by the Supreme Court in the cases of Faridan Vs. State of U.P., , Municipal Council, Sujampur Vs. Surinder Kumar, , Madhya Pradesh Administration Vs. Tribhuban, and on that basis has awarded compensation in lieu of reinstatement. The same

view has been taken by the Supreme Court in the case of daily wagers who are appointed without following any procedure prescribed by law and have not worked for a long time reported in Asst. Engineer, Rajasthan Dev. Corporation and Another Vs. Gitam Singh, h. It is apparent that the Labour Court has followed the law laid down by the Supreme Court and there is no perversity or material irregularity in the impugned award warranting interference by this court. The writ petition being meritless is accordingly dismissed.