

(2001) 08 P&H CK 0133
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 7871 of 2000

State of Haryana and Another	Vs	APPELLANT
Smt. Kanta Devi and Another		RESPONDENT

Date of Decision : 28-08-2001

Acts Referred:

Industrial Disputes Act, 1947 — Section 10(1)

Citation : (2001) 08 P&H CK 0133

Hon'ble Judges : S.S. Nijjar, J

Bench : Single Bench

Advocate : Vijay Dahiya, Assist. A.G. and Dimple Sharma, for the Respondent

Final Decision : Dismissed

Judgement

S.S. Nijjar, J.—State of Haryana has filed writ petition under Articles 226/227 of the Constitution of India, praying for a writ in the nature of certiorari quashing the Award dated 1.12.99 passed by Industrial Tribunal cum Labour Court, Sonapat (hereinafter referred to as the Labour Court) directing the petitioners (hereinafter referred to as the Management) to reinstate respondent No. 1 (hereinafter referred to as the workman) in service, with continuity of service and full back wages w.e.f. 15.3.1993.

2. The workman was appointed as honorary worker under the Integrated Child Development Services (I.C.D.S. for short) being implemented by the Government of India in all states of India. For this purpose, the Government of India released grant-in-aid. Workman was appointed, as Anganwadi worker by the Management i.e. Director Social Welfare and Programme Officer, with effect from 22.8.1988. The appointment letter is dated 12.10.1988. She continuously worked as Anganwadi worker at village Jatheri, Centre No. 10 upto 25.4.1992. She was being paid wages at the rate of Rs.275/- per month. Her services were terminated without holding any enquiry or giving any notice. She was also not paid any retrenchment compensation. The workman, therefore, raised an industrial disputes which was referred to the Labour Court u/s 10(1)(c) of

Industrial Disputes Act, 1947 (hereinafter referred to as "the Act"). The workman reiterated her case in the statement of claim. Reply was filed by the Management. It was stated that the workman was being paid only honorarium. It was also stated that the work and conduct of the workman during the period of employment was not satisfactory. She had been given a number of warnings, details of which were set out in the written statement. After completion of the pleadings, the Labour Court framed the necessary issues. On issue No. 1, it was held that no charge-sheet was ever given to the workman. No enquiry was ever held against her, regarding the allegations that she had destroyed any ration or that she had not maintained proper record. No charge-sheet was also served with regard to the allegation that she was not taking proper care of the children or that she was absent from duty. No enquiry was also held to find out whether the workman was responsible for not shifting the Anganwadi centre to village Chaupal. It is also observed that no action has been taken against the other lady incharge of the other centre who also did not shift the centre to village Chaupal. Relying on a judgment of this Court in the case of Kanta Devi v. State of Haryana 1995(2) RSJ, 345, Labour Court has held that the termination of the services of the workman is illegal.

3. I have considered the submissions made by the learned counsel for the parties. I find that the Award given by the Labour Court does not suffer from any error, apparent on the face of the Award. The workman was clearly, entitled to be informed of the charges levelled against her. Since it was the case of the Management that the work and conduct of the workman was not satisfactory and that her services are terminated on account of misconduct, it was necessary to hold a departmental enquiry. Not only the Management failed to observe the bare minimum principles of rules of natural justice but they have also subjected the workman to hostile discrimination. The other lady incharge of the centre had also not shifted the centre to the village Chaupal. Yet no action has been taken against her. The Management was within its right to justify its action. In view of the above, I find that the Labour Court was perfectly justified in reinstating the workman into service on the basis that the order of termination is void ab initio.

4. In view of the above, petition is dismissed.

5. No costs.