

(2013) 09 MP CK 0208

In the Madhya Pradesh High Court

Case No : Writ Petition No. 10502 of 2013

State of M.P. and Others

APPELLANT

Vs

Kusum Rani alias Guddi Bahna

RESPONDENT

Date of Decision : 10-09-2013

Acts Referred:

Citation : (2013) 09 MP CK 0208

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

Bench : Single Bench

Advocate : S.M. Lal, G.A, for the Appellant;

Final Decision : Dismissed

Judgement

R.S. Jha, J.—The petitioner has filed this petition being aggrieved by the award passed by the Labour Court on 26.04.2012 whereby the claim of the respondent has been partly allowed. The brief facts leading to the filing of the present petition are that the respondent was engaged as gangman in the establishment of the petitioner. On attaining the age of 60 years she was superannuated on 31.07.2005. The respondent being aggrieved, raised a dispute before the authority on two counts; firstly, that her date of birth was wrongly recorded as 29.07.1945 instead of 31.07.1958 and that even otherwise she was entitled to continue in service up to the age of 62 years as she was working as a gangman in the establishment of the petitioner.

2. The Labour court after appreciating the evidence and perusing the record has dismissed the claim of the respondent as far as her claim regarding correction of date of birth is concerned but has allowed the claim of the respondent regarding continuance in service up to the age of 62 years relying upon the full bench decision of this court in the case of Vishnu and Others Vs. State of Madhya Pradesh and Others, and has accordingly awarded 50% backwages for the remaining two years service of the respondent.

3. The learned Government Advocate for the State/petitioner submits that the

respondent had been superannuated in accordance with the rule and in such circumstances, the finding recorded by the labour court being contrary to law deserves to be set aside.

4. Having heard the learned Government Advocate for the petitioner/State, it is observed that the law in this regard has been settled by the full bench of this court in the case of Vishnu Muthaiya (supra) wherein it has been held that if a person is working as a gangman, he is entitled to work up to the age of 62 years.

5. In view of the full bench decision rendered in the case of Vishnu Muthaiya, I find no ground to interfere with the impugned award which even otherwise has been passed after proper scrutiny and assessment of the oral and documentary evidence on record and does not suffer from any perversity warranting interference by this court. The petition being meritless is accordingly dismissed.