
(2001) 09 SC CK 0058

In the Supreme Court Of India

Case No : Civil Appeal No: 6434 of 2001

State of Punjab and Others

APPELLANT

Vs

Sher Singh

RESPONDENT

Date of Decision : 17-09-2001

Acts Referred:

Constitution of India, 1950 — Article 226
Industrial Disputes Act, 1947 — Section 10(1)(c)

Citation : AIR 2001 SC 1165 : (2001) AIRSCW 929 : (2001) 89 FLR 163 :
(2001) 3 JT 49 : (2001) 1 LLJ 1063 : (2001) 2 SCALE 152 : (2001) SCC(L&S)
520 : (2001) 2 SCR 1 : (2001) 2 Supreme 112 : (2001) 1 UJ 528

Hon'ble Judges : Ruma Pal, J;G. B. Pattanaik, J

Bench : Division Bench

Final Decision : Allowed

Judgement

G.B. Pattanaik J.-Leave granted.

2. The short question that arises for consideration in this appeal is, whether the High Court in exercise of its power under Article 226 of the Constitution of India could have interfered with the award of the Labour Court.

3. On a dispute being raised under Section 10(1)(c) of the Industrial Disputes Act, 1947 (for short "the Act"), the said dispute was referred to the Labour Court for adjudication. The question for consideration before the Labour Court was whether the workman has been able to establish that he has worked for 240 days so that he would be entitled to the relief provided for under the provisions of the Act. On the basis of materials produced before it, the Labour Court came to the conclusion that the workman totally failed to establish the aforesaid fact that he has worked over 240 days and accordingly rejected the reference, answering the issue against the workman. The Labour Court also came to the conclusion that the workman himself had abandoned the job on 30-6-1992.

4. When the award of the Labour Court was assailed before the High Court in a

writ petition without any rhyme or reason, the High Court by a very cryptic order, interfered with the aforesaid finding of the Labour Court on an assumption that the workman must be held to have worked for more than 240 days entitling him to get the relief sought for. To say the least, the High Court exceeded its jurisdiction in interfering with a finding of fact arrived at by the Industrial Court (Labour Court) within the parameters for exercise of such power under Article 226. We have, therefore, no hesitation to come to the conclusion that the impugned order of the High Court cannot be sustained. We set aside the said order of the High Court and allow this appeal accordingly. The writ petition filed before the High Court stands dismissed. No costs.