
(2001) 05 P&H CK 0146
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 15978 of 2000

Tejbir Singh

APPELLANT

Vs

Taran Taran Co-operative Sugar Mills Ltd.

RESPONDENT

Date of Decision : 18-05-2001

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Industrial Disputes Act, 1947 — Section 25

Citation : (2001) 05 P&H CK 0146

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

Bench : Single Bench

Advocate : B.R. Mahajan, for the Appellant; Vinod Sharma, for the Respondent

Final Decision : Allowed

Judgement

S.S. Sudhalkar, J.—This writ petition has been filed by the workmen challenging the award of the Labour Court dated 13.3.2000, copy Annexure P/8, vide which the petitioner was declined the relief of re-instatement.

2. The petitioner was a daily-wager, however, his work cannot be said to be not a seasonal one. Admittedly, the petitioner has not completed 240 days of service and this weighed with the Labour Court in deciding the case against the petitioner.

3. The Labour Court, of course, has not considered the effect of plea of the petitioner that his juniors are still working. The pleading is specifically made in the demand notice while there is no reply to the same and no explanation is given for the same. The Labour Court has, therefore, missed this point.

4. The effect of Section 25G and 25H of the Industrial Disputes Act (hereinafter referred to as "the Act"), in these circumstances would ordinarily lead to reinstatement. However, as the work of respondent mill is only seasonal, the question is what order requires to be passed.

5. The Labour Court has relied on the case of Morinda Co-op. Sugar Mills Ltd. Vs. Ram Krishan and others etc., , which is also reported in AIR 1996 SC 332. In a similar position, the Supreme Court had ordered the employer to maintain a register for all workmen engaged during the seasons and when the new season starts it must make publication in the neighbouring places in which the workmen normally live and if they would report for duty, the employer will engage them in accordance with seniority and exigency of work. Similarly order requires to be passed in this case also.

6. As a result, this writ petition is allowed. It is ordered that the respondent-employer shall maintain a register for all workmen engaged during the seasons and when the new season starts it must make publication in the neighbouring places in which the workmen normally live and if the petitioner reports for duty, the employer will engage him in accordance with seniority and exigency of work. This process should start from the beginning of the next season which will commence in or about November, 2001.

7. Petition allowed.