
(2013) 11 RAJ CK 0118
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1036 of 2003

The Director, Central State Farm, Sardargarh	APPELLANT
Vs	
State of Rajasthan and Others	RESPONDENT

Date of Decision : 20-11-2013

Acts Referred:

Citation : (2013) 11 RAJ CK 0118

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Advocate : Manish Shishodia, for the Appellant; K.S. Yadav for the Respondent No. 3, for the Respondent

Final Decision : Disposed Off

Judgement

Govind Mathur, J.—In pursuant to order dated 11.11.2013 passed by a co-ordinate Bench, this matter came up for its adjudication in the spirit of Lok Adalat. This petition for writ is preferred to challenge the award dated 17.6.2002 passed by Labour Court, Sri Ganganagar in Labour Case No. 81/2001.

2. Briefly stated, facts of the case are that appropriate government by its notification dated 18.8.2001 referred an industrial dispute for its adjudication in the terms that "Whether termination of workman Ram Set S/o. Shri Antar Singh by its employer-Director, Central State Farm, Sardargarh, District Sri Ganganagar under an oral order dated 01.5.2000 is just and valid? If not, then for what relief working is entitled??"

3. The Labour Court after considering the entire material available on record answered the reference vide award dated 17.6.2002 in the terms that the termination of the workman w.e.f. 1.5.2000 was not just and proper, a direction thus was given for his reinstatement in service with 30% of back wages accrued. Being aggrieved by the same, this petition for writ is preferred.

4. This Court vide order dated 12.3.2003 confined the petition for writ to the question of back wages required to be paid to the workman. The writ petition, as

such, is required to be adjudicated only to the extent of grant of back wages to the workman. The back wages awarded to the workman is only 30% from the date of making reference of the industrial dispute.

5. It is pertinent to note that the workman became entitled to be reinstated in service on 17.6.2002, the day on which award was passed but he was factually reinstated on 7.7.2006 i.e. after lapse of a period of more than four years.

6. The workman in this factual back ground is entitled for the back wages as awarded by the Labour Court and also wages for the period commencing from 17.6.2002 and 7.7.2006, however, looking to the fact that the matter is required to be decided under the spirit of Lok Adalat, learned counsel for the respondent-workman with all fairness submits that the workman is ready to leave back wages awarded provided the employer make payment of wages for the period commencing from 17.6.2002 to 7.7.2006. In view of the proposal so given, this petition for writ is disposed of by modifying the award in the terms that the workman shall be entitled for reinstatement in service with entire continuity and other consequential benefits excluding back wages as awarded by the Labour Court. The workman shall also be entitled for wages relating to the period commencing from 17.6.2002, the day on which the award was passed to the actual date of his reinstatement in service i.e. 7.7.2006. The due wages are required to be paid to the workman on or before 01.4.2014.