
(1994) 04 AHC CK 0057
In the Allahabad High Court
Case No : C.M.W.P. No. 17777 of 1992

U.P. State Electricity Board and Others	APPELLANT
Vs	
Bhawani Prasad and Others	RESPONDENT

Date of Decision : 11-04-1994

Acts Referred:

Constitution of India, 1950 — Article 226
Uttar Pradesh Industrial Disputes Act, 1947 — Section 4K, 6N

Citation : (1993) AWC 1518 : (1995) 1 LLJ 241

Hon'ble Judges : V. Bahuguna, J

Bench : Single Bench

Advocate : V.M. Sahai, for the Appellant;

Final Decision : Dismissed

Judgement

V. Bahuguna, J.—The petitioner challenges the validity and legality of the award of the Labour Court dated January 20, 1992 by means of which a reference made by the State Government u/s 4-K of the U.P. Industrial Disputes Act has been decided in favour of the workman, respondent No. 1. The Labour Court has held that the termination of the services of the respondent No. 1 w.e.f. July 15, 1985 was unjustified as it was passed in violation of the principles of the provisions of Section 6-N of the U.P. Industrial Disputes Act, 1947. The Labour Court has recorded a finding of fact that the petitioner was working since 1976 and was getting a salary of Rs. 135/- per month and on the date of his termination he was getting a salary of Rs. 540/- per month. As the respondent No. 1 had put in 240 days actual service, his services could not be terminated without paying him retrenchment compensation. The Labour Court has appraised the evidence on record and recorded a finding of fact that the petitioner had actually worked from 1974 to 1985. The Labour Court has placed reliance on the certificate which has been issued by the Up Khand Adhikari, Mr. Muneshwar Prasad Saxena which was given to the effect that the respondent No. 1, workman had worked during the relevant period as an employee of the petitioner.

2. The finding of fact recorded by the Labour Court cannot be said to be perverse justifying interference by this Court under Article 226 of the Constitution of India. The workman, respondent No. 1, has also made a statement on oath before the Labour Court and the Executive Engineer was produced before the Labour Court on behalf of the petitioner. This Court in a proceeding under Article 226 of the Constitution of India normally does not interfere with the finding of fact recorded by the Labour Court unless and until the same are perverse being opposed to the whole context of the evidence on record.

3. In view of the discussions made above, the writ petition fails and it is dismissed accordingly. The interim order is discharged.