

State of Raj. and ors Vs. Moti Lal

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Court : Rajasthan Jodhpur

Decided On : Aug-29-2014

Appellant : State of Raj. and ors

Respondent : Moti Lal

Judgement :

1 D.B.Civil Special Appeal (Writ) No.1245/14 State of Rajasthan & ORS.V/s Moti Lal 29.8.2014 HONBLE ACTING CHIEF JUSTICE SUNIL AMBWANI HONBLE MR.JUSTICE VIJAY BISHNOI Mr.Bajrang Lal Verma, Project Officer, Tribal Area Development Department, Doongarpur, OIC present in person.

This special appeal arises out of the judgment of the learned Single Judge dated 21.5.2014 by which he has declined to interfere with the award of the Labour Court, Udaipur dated 23.2.2008 in Labour Dispute No.162/2001, by which the Labour Court had answered the reference in favour of the respondent- workman and issued directions to the Department to reinstate him on the post in question.

Learned Single Judge found that the services of the respondent-workman were terminated without compliance of the provisions of Section 25-F of the Industrial Disputes Act, 1947 (for short, hereinafter referred to as the Act.).Further, the respondent-workman had completed more than 240 days from the date of preceding one calendar year from the date of termination.

The learned Single Judge further found that whereas the award was made on 23.2.2008, the writ petition was filed on 5.12.2013 i.e.with the delay of 5 years without any explanation.

2 It is submitted by Mr.Bajrang Lal Verma, Project Officer, Tribal Area Development Department, Doongarpur, OIC present-in person that the award was ex-parte and that as soon as the Department acquired knowledge about the passing of the award, the writ petition was filed.

We do not find that there was any averment in the writ petition about the date of the knowledge of the award.

There was no explanation whatsoever given in the writ petition for condonation of delay in challenging the award.

In order to satisfy ourselves, with the legality of the order, we have perused the findings recorded by the Labour Court and do not find any error of law.

The Labour Court considered the evidence led before it, regarding the validity of the termination of services of the respondent-workman and recorded the findings that the workman was working regularly on the vacant post for more than 5 years and that the employer did not comply with the provisions of Section 25-F of the Industrial Disputes Act before terminating the services of the respondent workman.

We do not find any good reason to admit the special appeal.

The special appeal is dismissed.

(VIJAY BISHNOI).J.

(SUNIL AMBWANI),Actg.CJ.

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