

R.C. Shukla Vs. State of U.P. and Others

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Court : Allahabad

Decided On : May-14-2001

Reported in : [2001(90)FLR165]; 2001LabIC4035; (2001)3UPLBEC2008

Judge : M. Katju and ;R.B. Misra, JJ.

Acts : [Constitution of India](#) - Article 21

Appeal No. : C.M.W.P. No. 18391 of 2001

Appellant : R.C. Shukla

Respondent : State of U.P. and Others

Advocate for Def. : Rakesh Tiwari, S.C.

Advocate for Pet/Ap. : S.M. Mishra, Adv.

Judgement :

M. Katju and R. B. Misra, JJ.

1. Heard learned counsel for the petitioner and Sri Rakesh Tewari learned counsel for the respondent No. 4.

2. The petitioner has prayed for a writ of certiorari to quash the impugned order dated 25.1.2001 (Annexure-9 to the petition). By that order, the service of petitioner who was Assistant Labour Officer in Sant Kabir Sahkari, Cooperative

Mills Ltd. has been terminated. Since the mill has been closed on 5.10.2000. hence the petitioner's service was terminated on 25.1.2001.

3. We see no legal basis for the claim of the petitioner to get re-employment. No doubt we can understand the suffering of the people of this country because a large number of mills are closing down due to various reasons such as entry of goods of Multi National Companies or Chinese goods, etc. However, this Court is helpless in such matters. Had it been within our power, we could have passed an order that everyone in this country should get a job, but such an order will be meaningless. The number of jobs in the country is limited, and even these are being reduced due to closing of many industries and other prevailing circumstances. No doubt persons like the petitioner are not to blame but this Court cannot give any relief in the matter as there is no legal violation or legal basis for getting re-employment.

4. Article 21 of our Constitution, which guarantees the right to life, cannot, in our opinion, be interpreted to mean that everybody in the country should be given a Job. In *Rajendra v. State of Rajasthan*, AIR 1999 SC 923, the Supreme Court, following its own decision in *Delhi Development Horticulture Employees Union v. Delhi Administration*, AIR 1992 SC 789, held that the right of livelihood was found not feasible to be incorporated as a fundamental right in the Constitution, and, therefore, employment was also not guaranteed under the Constitutional scheme. In *SandeepKumar v. State of U. P.*, AIR 1992 SC 713, the Supreme Court observed that where there was no work in the project, the employees cannot be regularized. (See also *State of H. P. v. Ashwane Kumar*, JT 1996 ID SC 214 and *State of U. P. v. U. P. Madhyamik Shiksha Parishad Shramtk Sangh*, AIR 1996 SC 708). It follows from these decisions that there is no legal right to get re-absorption if an industry is closed down (unless a statute provides otherwise). The number of jobs in the country is limited, and hence a practical view has to be taken. In *Thomas Jaicob v. Union of India*, 1991 AWC 1384, a Division Bench of this Court held that there is no fundamental right to get employment. In our opinion, the right to life under Article 21 cannot be construed, in the present state of affairs of our economy, to include the right to get a job.

5. Hence this Court cannot give a direction that a person who loses his job must necessarily get re-employment. We say this with a heavy heart and we have full sympathy with those who lose their jobs for no fault of theirs, but Jobs cannot be created by Court's order. Jobs are created when the economy is rapidly expanding, by rapid industrialization, but what we are witnessing today is de-industrialization in the country. This is indeed unfortunate but the Court can do nothing in the matter.

6. In view of the above, there is no force in this petition, and it is dismissed

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