

Executive Engineer, Ph. Ed. Vs. Govind Ram

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Court : Rajasthan

Decided On : Oct-19-1984

Reported in : 1985(1)WLN64

Judge : G.M. Lodha, J.

Appeal No. : S.B. Civil Writ Petition No. 1422/1976

Appellant : Executive Engineer, Ph. Ed.

Respondent : Govind Ram

Disposition : Petition dismissed

Judgement :

G.M. Lodha, J.

1. A frivolous writ petition by the State and, that too against a petty low paid employee is rape on social Justice. The respondent was in employment of the petitioner, and worked as L.D.C. but, was deprived of his salary as L.D.C. and was paid as Helper Grade II only.

2. The Labour Court, under Section 33(ii) of the Industrial Disputes Act accepted the claim of workman and, awarded Rs. 2652.26 np. on 29th May. 1974.

3. To add insult to injury, the writ petition has been filed against that order by the State functionaries. The Labour Court relied upon the evidence, oral as well as documentary, produced by the employee including a certificate of the Assistant Engineer that he is working as clerk and his work is satisfactory. The evidence could not be rebutted and the State withheld production of ledger, summoned by the employee to prove that he made entries. In spite of all this, it is contended that there is no proof that he was working as Clerk because, there is no written order.

4. A low paid employee, like the present respondent, could not have challenged the high ranking officers and insisted for written order. If this amount of salary is not paid to him, it would be a serious economic exploitation of a low paid employee.

5. I am convinced that there is no case warranting interference under Article 26 of the Constitution. In fact, in such a case, the State functionaries should not have filed any writ petition. To drag a low paid employee to the High Court, as mentioned above, is a serious atrocity, on social justice to which the State is committed under the Constitution of India.

6. It is also avoidable litigation and comes in the category of frivolous and vexatious writ petition.

7. It is unbecoming of any State to drag its own employees first to labour Court by non-payment of real salary and then to add insult to injury, to call him to the High Court and there too for such a petty amount and there again without any tenable or valid defence.

8. Consequently, the writ petition is dismissed with costs of Rs. 500/- to the respondent. The amount of cost will be realised from the officer of the Department concerned, who permitted filing of such frivolous writ petition, so that in future the poor workmen are not dragged in such frivolous cases and the valuable time of the courts is also saved.