

Sukha Ram Vs. Executive Engineer, I.G.N.P. and anr.

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SooperKanoon Citation : sooperkanoon.com/762891

Court : Rajasthan

Decided On : Nov-22-1999

Reported in : (2000)IIILLJ1473Raj

Judge : N.N. Mathur, J.

Acts : [Industrial Disputes Act, 1947](#) - Sections 25F

Appeal No. : S.B.C.W.P. No. 4736/1993

Appellant : Sukha Ram

Respondent : Executive Engineer, I.G.N.P. and anr.

Advocate for Pet/Ap. : Mr. D.K. Parihar

Disposition : Petition dismissed

Judgement :

N.N. Mathur, J.

1. This writ petition is directed against the award dated May 10, 1993 passed by the Labour Court whereby the reference made by the State Government has been answered in negative holding that the order of termination of the petitioner workman is not illegal.

2. The necessary facts are that in the month of March, 1985. The petitioner was engaged on the daily wages basis @ Rs. 12 per day as 'Chowkidar'. His services were terminated on September 13, 1986. It was contended before the Labour Court that the termination was in violation of Section 25-F of the Industrial Disputes Act inasmuch as he was not being paid one month's compensation. On appreciation of material on record, the Labour Court found that the petitioner workman admitted that at the time of termination on September 13, 1986, he was paid compensation. In view of this, the Labour Court found no infirmity in the order of termination.

3. It is contended by Mr. D.K. Parihar, learned counsel for the petitioner that Mr. Rajender Prasad an Executive Engineer, has stated in the affidavit that the petitioner was given notice on August 30, 1986 and he was paid the compensation on October 1, 1986 as such, the petitioner was not paid the compensation at the time of termination. In my view, there is no substance in the contention as the petitioner himself has admitted that at the time of termination he was paid compensation.

4. In view of the aforesaid, I find no merit in this writ petition. The same is accordingly, rejected.