

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

CWP No. 741 of 2006

Date of decision: 28th February, 2007

Dawarka Prasad Kukreti Petitioner

Versus

State of Himachal Pradesh & others Respondents

Coram:

The Hon'ble Mr. Justice Deepak Gupta, J.

The Hon'ble Mr Justice Surinder Singh, J.

Whether approved for reporting ?¹

**For the Petitioner: Ms. Uma Manta, Advocate, vice
Mr Rakesh Manta, Advocate.**

**For respondent No.1 Mr M S Chandel, Advocate General,
assisted by Mr Ram Murti Bisht, Deputy
Advocate General.**

Deepak Gupta, J. (Oral)

This writ petition is directed against the award of the Labour Court, Shimla, passed in Reference No.114 of 2000 dated 20th May, 2006. A reference was made by the State Government to the Labour Court in the following terms:

**“Whether the action of the management of M/S
Mount Everest Mineral Water Ltd., Dhaula Kuna,
Tehsil Paonta, District Sirmaur, H.P. in accepting the**

¹ *Whether the reporters of Local Papers may be allowed to see the judgment ?*

resignation of Sh. Dwarka Prashad Kukreti without full and final settlement of his dues, is legal and justified. If not, to what relief of service benefits and amount of compensation, Sh.Dwarka Prasad Kukreti is entitled.”

The Labour Court on appraisal of the evidence has come to the conclusion that the petitioner had voluntarily submitted his resignation and had not rejoined his duty and, therefore, his services cannot be said to have been terminated by the Company. This finding of the Labour Court is a pure finding of fact and based on the evidence led before it. The same calls for no interference in the exercise of extraordinary writ jurisdiction. The writ petition is dismissed. No costs.

(Deepak Gupta),J.

February 28, 2007
(D)

(Surinder Singh),J.