

Court No.2

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No. 3111 of 2001

(Old No.5007 of 1997)

State of U.P. through Executive
Engineer, Provincial Division
P.W.D., Dehradun.

.....

Petitioner

Versus

Diwan Singh and another

.....

Respondents

.....

Sri H.M,Raturi, learned Standing Counsel on behalf of the State
/petitioner.

None for the respondent No.1.

Date: July 31,2008.

Hon'ble P.C.Verma,J.

This petition has been filed by the petitioner seeking writ of certiorari quashing the impugned award dated 18th July, 1995 passed by the Labour Court, contained in Annexure No.6 to the writ petition.

2. On a dispute raised by workman/respondent No.1, the Government under the U.P. Industrial Disputes Act, 1947, referred the dispute to the Labour Court for adjudication, vide notification dated 04.04.1992. The reference was made in the following terms:-

Whether the act of employers by not regularizing the workman Diwan Singh S/o Shri Ram Singh on the post of Mate with effect from 01.09.1981 is illegal and unjustified? If yes, to which relief the workman is entitled to get?

3. The case of workman in brief is that he was appointed as Mate on 01.09.1981 and he worked as Mate

upto 31.03.1985 continuously and without any prior information he was reverted to the post of Beldar on 01.04.1985 and subsequently on 01.09.1986 he was appointed as Beldar on work charge basis. The workman claimed that he is entitled to get the pay scale of the post of Mate w.e.f. 01.9.1981 to 31.9.1985 and he is also entitled to be regularized on the said post.

4. The employers denied the allegations levelled by the workman and stated that the workman Diwan Singh was working in the Department as Beldar since 1981 on daily wage basis and upto 01.2.1986 he worked as daily wager on Muster roll. Thereafter from 01.9.1986 he worked on work charge basis which is clearly evident from the sanction letter issued by the Executive Engineer dated 08.1.1997.

5. I have heard the learned counsel for the parties and perused the impugned award. On the basis of evidence adduced by the parties the Labour Court recorded a finding that the work of Mate was taken from the workman and he used to note the attendance on the muster-roll. The workman is entitled to get the pay scale of Mate w.e.f. 04.1.1989 and he is to be regularized on the said post. There is no illegality or perversity in the impugned award.

6. The writ petition is devoid of merit and is dismissed. No order as to costs.

(P.C.Verma,J.)
31.07.2008