

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH JAIPURORDER

S.B.CIVIL WRIT PETITION NO.16948/2010

Manohar and others

Versus

The State of Rajasthan and others

DATE OF ORDER --- December 24, 2010

PRESENT

HON'BLE MR.JUSTICE PREM SHANKER ASOPA

Mr.D.C.Gupta, for the petitioners

BY THE COURT

- (1) Heard learned counsel for the petitioners.
- (2) By this writ petition, the petitioners are seeking similar benefit as has been granted by this Court in Murari Lal V. State of Rajasthan and others (CWP No.487/2009) disposed of on 20.1.2009.
- (3) The case of the petitioners is that their services were terminated orally on 20.9.1988, 30.9.1988, 20.9.1988 and 20.9.1988 respectively in respect of which the petitioners raised industrial disputes and the State Government referred the matter to the Labour Court, Bharatpur. In all the four labour disputes, Awards were passed in favour of the respective petitioners on 4.8.1999, 6.8.2003, 15.3.2004 and 14.6.2000 whereby the petitioners had been ordered to be reinstated in service with all consequential benefits.
- (4) Subsequently, the petitioner No.1 was declared semi permanent on the post of Beldar w.e.f. 20.9.1990, the petitioner No. 2 was declared semi permanent w.e.f. 1.2.1991, the petitioner No. 3 was declared semi permanent w.e.f. 20.9.1990 and the petitioner No.4 was declared semi permanent w.e.f. 20.9.1990 but their pay had been notionally fixed on 31.12.1997 and they were given actual benefit of the pay scale from 1.1.1998.

(5) Counsel for the petitioners submits that since the Awards were passed by the Labour Court in favour of the respective petitioners for their reinstatement in service with continuity of service and all consequential benefits, therefore, their cases would be covered. Counsel placed reliance on the judgment of this Court in Murari Lal V. State of Rajasthan and others (CWP No. 487/2009) disposed of on 20.1.2009 wherein a direction for filing representation was given.

(6) Counsel stated at bar that subsequently, the representation submitted by the petitioner Murari Lal in CWP No.487/2009 has been accepted, therefore, similar directions may be issued in the present case.

(7) I have gone through record of the writ petition and further considered the submission of counsel for the petitioners.

(8) Before proceeding further, it is relevant to reproduce the operative portion of the aforesaid judgment in Murari Lal V. State of Rajasthan and others (CWP No. 487/2009). The same is as under:

“Learned counsel for the petitioner submits that a Circular dated 04.03.1998 was issued by the Finance Department with regard to work charge employees. The said circular provided that the pay fixation of the work charge employees will be made effective on notional basis from the date when they declared semi permanent and they're entitled to receive actual monetary benefits with effect from 01.01.1998.

It is further contended that the petitioner is also entitled to get consequential benefits, viz., pay fixation, seniority from the date when he was declared semi permanent status but under the garb of said circular, the petitioner has not been given the benefit of the same.

I have given my thoughtful consideration to the submissions made by learned counsel for the petitioner and carefully perused the order passed by the coordinate Bench of this Court in SBCWP No.6927/2005 and Circular dated 04.03.1998. The petitioner is required to represent before the respondents and respondents are expected to consider the case of the petitioner for grant of actual benefits from the date semi permanent status was given and if the petitioner's case is found in order, the consequential benefits be granted to him.

In the result, the writ petition stands disposed of as indicated herein above.”

(9) In my view, where the Labour Court has passed Award with direction for reinstatement all consequential benefits, that has to be decided as per the direction of the Labour Court.

(10) The prayer made by the counsel for the petitioners for permitting the petitioners to file representation appears to be reasonable. In case the petitioners submit any representation, then the same will be decided within a period of two months from the date of receipt thereof.

(11) The writ petition is disposed of as indicated above.

(Prem Shanker Asopa) J.

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