

Writ Petition (s) No.9293/2011
30.11.2011

Shri R.S. Gaur, learned counsel for the petitioner.

Heard on the question of admission.

By this petition under Article 227 of the Constitution of India, the petitioner/workman has challenged the order dated 13.04.2011 passed by the Labour Court, Ujjain in Case No.68/2004/IDR.

Briefly stated, the services of the petitioner and other 23 workmen were terminated by the respondent/employer. The said workmen approached to the Deputy Labour Commissioner for making conciliation. On failure of conciliation, the Deputy Labour Commissioner referred the dispute to the Labour Court for adjudication. During the pendency of the matter before the Labour Court, the respondent/employer reinstated the petitioner. In the result, the only question left to be decided by the Labour Court was whether the petitioner/workman was entitled for the back wages from the date of termination to the date of reinstatement.

The Labour Court, after recording the evidence, taking into consideration the admission made by the petitioner in his cross-examination that since he got employment at his village, he did not go to the city to search the employment, held that he was gainfully employed and as such, denied him back wages.

Having regard to the aforesaid admission of the

petitioner that he was gainfully employed in his village, the order passed by the Labour Court, denying the back wages needs no interference.

Accordingly, the petition fails and is hereby dismissed.
C. c. as per rules.

(Shantanu Kemkar)
Judge

(Prakash Shrivastava)
Judge

Pithawe RC