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**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAI PUR****ORDER****IN****S. B. Civil Writ Petition No. 9955/2014****Vidhya Devi Vs. State of Rajasthan and
Another****Date of Order ::: 30.09.2014****Present****Hon'ble Mr. Justice Mohammad Rafiq****Shri M.K. Chaturvedi, counsel for petitioner
####****By the Court: -**

This writ petition has been filed by Vidhya Devi assailing the award of the Labour Court, Bharatpur, dated 27.03.2014. Learned Labour Court, by aforesaid award, has answered the reference on an industrial dispute referred to it by the appropriate Government. The reference was to the effect that whether removal of deceased workman Jatan by the Assistant Engineer, Public Works Department, Sub Division, Karauli, vide order dated 01.08.1988 was justified and if yes, what relief was he entitled to? The workman died during pendency of the reference before the Labour Court and therefore the petitioner and other four legal heirs were brought on record. Petitioner is widow of said workman Jatan.

Contention of learned counsel for petitioner is that there was no justification for the Labour Court to merely award lump sum compensation of Rs. 2,00,000/- to the legal heirs of deceased workman. Since the workman was engaged on the post of Beldar on daily wages basis, the petitioner, who is widow, should have been directed to be reinstated in his place, considering that she has the liability to maintain herself and the family, which consists of two daughters of marriageable age and two sons. It is contended that the Labour Court itself has recorded a finding that the respondents have failed to comply with the provisions of Section 25-F of the Industrial Disputes Act, 1947 and that the workman had worked for more than 240 days in a calendar year preceding the date

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of his retrenchment. Therefore, it is argued that the Labour Court ought to have taken a lenient view of the matter and granted the relief by directing appointment of the petitioner on compassionate ground by deeming as if deceased workman died in July, 1988, while working in the respondent department.

Having heard learned counsel for petitioner and perused the impugned award, I am of the view that the Labour Court has rightly awarded lump sum compensation to the petitioner being the widow of deceased workman. The petitioner could not have been directed to be appointed on compassionate ground on account of death of deceased workman as the workman had died during pendency of the proceedings and a deceased workman could not be directed to be reinstated because it is only the workman concerned who could be ordered to be reinstated. In the first place the deceased himself worked on daily wages basis, secondly he worked only about 15 months as per the evidence produced before the Labour Court and thirdly he was not alive when the impugned award was passed and therefore the Labour Court could not have directed appointment of the petitioner on compassionate ground.

In the facts of the case when the work of the deceased workman was confined only to 15 months and that too on daily wages basis, the lump sum award of Rs. 2,00,000/- cannot be said to be inadequate or otherwise insufficient. I therefore do not find any illegality or infirmity in the impugned award.

The writ petition is accordingly dismissed.

(Mohammad Rafiq) J.

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All corrections made in the judgment/order have been incorporated in the judgment/order being emailed.

Giriraj Prasad Jaiman
PS-cum-JW