

**HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT
JAIPUR**

S.B. Civil Writ Petition No. 11795 / 2014

Shyoji Ram

-----Petitioner

Versus

The Exec Engineer Public Work Dep Ors

-----Respondent

For Petitioner(s) : Mr. D.C. Gupta

For Respondent(s) :

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Order

31/07/2017

1. The award dated 12.11.2013 is under challenge before this Court by way of the present writ petition by the petitioner. The reference was made on 01.03.1990 relating to the termination of workman dated 31.12.1973. Admittedly, the reference was made after 17 years and the Labour Court, Jaipur has given a finding of the record relating to the period from 1971 to 1973 could be located by the respondents as the reference was after more than 17 years. In light of their being no other documents to prove that the petitioner had worked for 240 days immediately before his so called removal from service on 31.12.1973 in the calendar year. The Labour Court has reached to a finding that the removal does not call for any interference and has not been proved satisfactory by the petitioner.

2. Learned counsel for the petitioner submits that he had produced certain muster rolls to show that he had been working

with the respondents. However, since all the muster rolls were not available with him, he had moved an application for demanding the same from the respondents to which the respondents have submitted a reply stating that they do not possess the concerned documents.

3. It is, therefore, prayed by the learned counsel adverse inference ought to have been drawn by the Labour Court in favour of the petitioner and he should have been reinstated in service.

4. Having reflected on the submissions of the learned counsel and after looking into the record, I find that the Labour Court has rightly reached to the conclusions of rejecting to claim of the petitioner. The Labour Court has rightly held that once the respondents have taken stand that they do not possess the relevant documents which have been demanded in 2010 relating to the period from 1971 to 1973. No illegality can be said to have been conducted by the concerned Labour Court. The Labour Court has already reached to a finding on the basis of oral evidence produced by the respondents that no work was conducted in between 1971 to 1973 at the site where the petitioner states to have perform his duties. Finding of fact has been arrived at, does not call for any interference, even otherwise claim of the petitioner has highly belated.

The writ petition is accordingly dismissed.

(SANJEEV PRAKASH SHARMA)J.