

Uttarakhand Jal Vidyut Nigam Ltd. & Others Vs Sobat

Court: Uttarakhand High Court

Date of Decision: Feb. 10, 2025

Acts Referred: Uttar Pradesh Industrial Disputes Act, 1947 " Section 6N
Uttar Pradesh Industrial Disputes Rules, 1957 " Rule 12(9)

Hon'ble Judges: Manoj Kumar Tiwari, J

Bench: Single Bench

Advocate: Vinay Kumar, Niranjan Bhatt

Final Decision: Dismissed

Judgement

Manoj Kumar Tiwari, J

1. This writ petition is directed against the award dated 20.9.2011 rendered by learned Labour Court, Haridwar in Adjudication Case No. 191 of 2009

(Old Adjudication Case No. 24 of 2007). By the said award, termination of services of respondent by Uttarakhand Jal Vidyut Nigam Ltd. was

declared to be unjust and illegal and the employer was directed to reinstate the respondent, but without any back wages.

2. Mr. Niranjan Bhatt, learned Counsel appearing for the respondent, submits that Shri Sobat Singh (workman) passed away in the month of May,

2021 and his legal representatives have now been substituted in his place.

3. Petitioners have challenged the award mainly on the ground that there was no material before the learned Labour Court for holding that the

respondent (workman) has served for 240 days in a calendar year. Learned Counsel for petitioners submits that respondent is not entitled to benefit of

Section 6N of U.P. Industrial Disputes Act in the absence of any finding that he served for 240 days in a calendar year.

4. Impugned award is on record as Annexure- 6 to the writ petition. Perusal of impugned award reveals that the respondent was examined as a

witness, who, in his deposition, has stated that he served with Uttarakhand Jal Vidyut Nigam Ltd. From 12.1.1986 till 1.8.1987 and further that he had

served continuously for 240 days in a calendar year, yet he was replaced by different set of daily wage employee. The said statement made by the

respondent (workman) remained un rebutted, as no witness was examined on behalf of the employer (petitioner herein). Rule 12(9) of U.P. Industrial

Disputes Rules, 1957 ordains that if the affidavit filed by the union or the workman is not rebutted by the employer, then the Labour Court shall

presume the contents of the affidavit to be true and make an award accepting the facts stated in the written statement. Rule 12(9) of the aforesaid

Rule is reproduced below:

“If the affidavit accompanying the written statement of the union or the workman is not rebutted by the employer, the Labour Court or

the Tribunal, as the case may be, shall presume the contents of the affidavit to be true and make an award accepting the facts stated in the

written statement.”

5. It is not in dispute that the procedure laid down in Section 6N of U.P. Industrial Disputes Act was not followed while terminating services of the

workman. Thus the learned Labour Court was justified in declaring termination of services of respondent as unjust and illegal.

6. For the aforesaid reasons, this Court does not find any scope for interference with the impugned award. The writ petition fails and is dismissed. No

order as to costs.