

(2003) 11 JH CK 0012

Jharkhand High Court

Case No: CWJC No. 2418 of 1997 (R)

Chandrika Singh

APPELLANT

Vs

Employers in relation to the
Management of Chhotanagpur
Rope Works and Another

RESPONDENT

Date of Decision: Nov. 10, 2003

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2004) 1 JCR 539

Hon'ble Judges: Amareshwar Sahay, J

Bench: Single Bench

Advocate: Satish Kr. Ughal, for the Appellant; M. Prasad, for the Respondent

Final Decision: Dismissed

Judgement

Amareshwar Sahay, J.

The writ-petitioner workman has challenged the award dated 25.01.1997 passed by the Presiding Officer, Labour Court, Ranchi in Reference Case No. 10 of 1998, whereby the Labour Court has field that the petitioner is not entitled to any relief whatsoever claimed after holding that the petitioner voluntarily left the service without information after 28.08.1986 resulting in his termination from service by striking off his name from the roll of the Company and it was not a case of victimisation.

The reference before the Labour Court was as under :--

"Whether the termination of Sri Chandrika Singh workman of M/s. Chhotanagpur Rope Works Mahilong, Ranchi is proper and justified? If not whether he is entitled to reinstatement or/and any other relief?"

2. On the basis of the pleadings of the parties, the following points were formulated by the Labour Court for determination :--

"(i) Whether service of the concerned workman was terminated or he abandoned the service himself?

(ii) Whether termination of the concerned workman is due to victimisation?

(iii) Whether termination is just and proper?

(iv) Whether the concerned workman is entitled to any relief?"

3. So far as the point No. I formulated by the Labour Court is concerned, it appears from the impugned award that, after discussing the entire materials and the evidence led by the parties, and also the pleadings, the Labour Court arrived at a finding that the workman voluntarily left the service without information after 28.08.1986 resulting in his termination from service by striking off his name from the roll of the Company.

4. So far the second point formulated by the Labour Court is concerned, the finding is also against the workman on the basis of the evidence on record.

5. Mr. S.K. Ughal, learned counsel appearing for the petitioner has challenged the award on various grounds, such as, that the termination of the petitioner was passed without holding any departmental enquiry which was against the several decisions of the Supreme Court as well as of our own High Court and that the finding of the Labour Court was not correct in holding that the petitioner abandoned his service himself.

6. Learned counsel appearing for the respondents, Mr. M. Prasad has very vehemently argued that this Court cannot interfere with the findings of the fact arrived at by the Tribunal, particularly in view of the fact that not a single finding of fact has been challenged by the petitioner in his writ application by any specific statement or averment.

7. I have perused the entire writ application and I find that the submission of the learned counsel for the respondents is correct and the petitioner has not even whispered a word in his writ application challenging any of the findings of the fact arrived at by the Labour Court. It is a settled law that the High Court in exercise of its jurisdiction under Article 226 and 227 of the Constitution of India cannot act as an appellate Court over the finding of the Tribunal or inferior Court and cannot substitute its own finding on the basis of re-appreciation of evidence. It is also a settled law that even the wrong finding of fact arrived at by the Tribunal or inferior Court cannot be interfered with by the High Court in exercise of its jurisdiction under Articles 226 and 227 of the Constitution of India. It is only when it is established that any finding arrived at by the Tribunal/inferior Court is passed on no evidence or is based on error of records or is perverse, then no doubt this Court can

interfere in its writ jurisdiction, and not otherwise.

8. Since the petitioner has totally failed to make out any case for upsetting the findings of fact therefore, I do not find any merit in this application and it is, accordingly, dismissed. However, there shall be no order as to costs.