

Court No. - 8

Case :- WRIT - C No. - 1007539 of 2013

Petitioner :- Ram Abhilakh

Respondent :- Presiding Officer Labour Court U.P. Faizabad And Others

Counsel for Petitioner :- Birendra Prasad Singh

Counsel for Respondent :- C.S.C., Akhilesh Kumar Srivastava, Chandra Shekhar Pandey

Hon'ble Pankaj Bhatia, J.

1. Heard the counsel for the petitioner and Sri Akhilesh Kumar Srivastava, the counsel for the respondents.
2. The present petition has been filed by the petitioner challenging an award dated 05.10.2012 whereby the labour court had dismissed the claim petition holding that the petitioner had worked only for a period of 215 days and not for 240 days, thus, he was not entitled to the protections available in terms of the provisions of the Industrial Disputes Act.
3. The counsel for the petitioner argues that in the pleadings, he had specifically stated that he had worked from 12.07.1982 to 17.07.1983 which was more than 240 days and there was no reason to disbelieve the same.
4. A perusal of the award, it is clear that the petitioner had earlier filed a claim at Varanasi wherein he had stated that he had worked till 18.05.1983 and later moved an application for correction of date as 01.07.1983. The Tribunal considered two variance submissions made by the petitioner at Varanasi and before the Tribunal at Faizabad and also held that the respondents had demonstrated through their records that the petitioner had worked for only 215 days and thus believing the records, which were produced before the Tribunal, the claim filed by the petitioner was rejected.
5. Thus, I do not see any reason to interfere as there is no error in the decision making process. The conduct of the petitioner was adequately noticed by the petitioner, as such, the writ petition lacks merit and is ***dismissed***.

Order Date :- 18.10.2023

VNP/-