HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 8506/2024

Ramcharan Jatav S/o Shri Mooliram Jatav, Resident Of Rendayal Gurjar Tehsil Gangapur, District Sawaimadhopur.

----Petitioner

Versus

Assistant Engineer, Public Works Department Division Hindon District Karauli.

----Respondent

For Petitioner(s)	:	Mr. Govind Gupta for Mr. M.F. Baig
For Respondent(s)	:	Mr. Sharad Joshi, AGC

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

10/12/2024

1. Heard counsel for both parties and perused the record.

2. Instant writ petition under Article 227 of the Constitution of India has been filed by the petitioner-workman, seeking enhancement of compensation awarded vide award dated 31.05.2023, passed in LCR Case No.122/2005, whereunder petitioner has been granted compensation to the tune of Rs.3 lacs in lieu of reinstatement.

3. At the outset, it is not in dispute that the impugned award was challenged by the respondent-employer by filing SBCWP No.6827/2024:Assistant Engineer, Public Works Department Vs. Ramcharan Jatav and the writ petition came to be dismissed on merits vide order dated 24.09.2024 with findings that the Labour Court has awarded compensation to the tune of Rs.3 lacs

considering the factum of delay of raising the dispute by workman after 18 years.

4. It is further undisputed that the petitioner was a daily wager workman and considering his nature and tenure of employment as also the other attributed factors including the delay, the quantum of award to the tune of Rs.3 lacs is just and proper as also is in consonance and conformity with the judgment passed by the Division Bench of this Court in case of in case of **The Director, Tiger Project, Sariska Vs. Labour Court and Industrial Tribunal, Alwar & Anr.** in **D.B. Special Appeal Writ No.406/2018** decided on 31.07.2018, wherein the Court has observed that the workman is entitled for compensation instead of re-instatement on the basis of period of employment of the Petitioner, i.e (i) Rs. 1,00,000 /- upto one year, (ii) Rs. 1,50,000 /- upto two years (iii) Rs. 2,50,000 /- upto three years. (iv) Rs. 3,00,000 /- for more than three years.

5. This Court finds that the Labour Court acted well within its jurisdiction and passed the award within parameters of law, hence, the impugned award does not call for any interference by the High Court, in exercise of its writ jurisdiction under Article 227 of the Constitution of India.

6. In such view, instant writ petition is hereby dismissed.

7. Stay application and any other pending application(s), if any, stand disposed of.

(SUDESH BANSAL),J

pcg/26