**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR**

S.B. Civil Writ Petition No. 6842/2006

1. The State of Rajasthan through the Secretary, Department of Education, Government of Rajasthan, Jaipur.
2. The Head Mistress, Government Balika Dhapudevi Chordia Secondary School, Bodasar.
3. The District Education Officer (Secondary), Churu.

----Petitioners

Versus

1. Bhagirath Prasad S/o Shri Kanhaiya Lal, R/o Bidasar, Tehsil Sujangarh, District Churu.
2. The Labour Court, Bikaner.

----Respondents

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| For Petitioner(s) | : | Mr. N.K. Mehta |
| For Respondent(s) | : | Mr. D. D. Chitlangi |

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**JUSTICE DINESH MEHTA**
**Order**

**05/02/2025**

1. The order impugned in the present writ petition under Article 227 of the Constitution of India is, a judgment and award dated 22.03.2005 passed by the Labour Court, Bikaner (hereinafter referred to as the 'Tribunal').

2. The precise facts which are necessary for the present purposes are that a Reference came to be made to the Labour Court at the instance of the respondent No.1, who claimed that he having worked for more than 240 days between 01.06.1983 to 31.12.1995 has been retrenched by an oral order without complying with the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (hereinafter referred to as "Act of 1947").

3. Said reference came to be answered in respondent No.1 - employee's favour by the Tribunal by award dated 22.03.2005.

4. On 06.12.2006, a Co-ordinate Bench of this Court had admitted the petition, however, no interim order was granted. Thereafter, respondent-workman had moved an application under Section 17-B of the Act of 1947, which was allowed by Co-ordinate Bench of this Court vide order dated 18.03.2008.

5. Learned counsel for the petitioner invited Court's attention towards the factual matrix of the case and pointed out that the respondent No.1 – applicant was purportedly retrenched in the year 1995 and after 4 years therefrom, a reference came to be made in the year 1999.

6. While maintaining that the Tribunal has erred in holding that the respondent No.1 has worked for more than 240 days in a calendar year, learned counsel argued that the order passed by the Tribunal in the facts of the present case directing reinstatement with Rs.2,500/- as compensation is contrary to settled legal position, inasmuch as, the finding that the respondent No.1 had worked for 240 days in a calendar year preceding the date of his retrenchment was based on conjectures and drawing an adverse inference. He submitted that the Tribunal ought to have ordered lumpsum compensation, in lieu of reinstatement given to the respondent No.1.

7. Heard learned counsel for the parties.

8. The respondent No.1-employee has not been working with the State for last 30 years.

9. Any direction for reinstatement qua a person at this stage, when he has attained the age of superannuation cannot be granted.

10. This Court is of the opinion that in the factual backdrop, the Tribunal ought not to have passed the order of reinstatement when it had come on record that the workman worked on muster roll/as a casual labour.

11. Learned counsel for the respondent No.1 submitted that a lumpsum compensation to the tune of ₹5,00,000/- be awarded with which his client would be satisfied, as he wants to buy peace instead of working as a labourer at this matured age.

12. Learned counsel for the respondent No.1 – applicant relied upon judgment of Hon'ble the Supreme Court rendered in the case of ***B.S.N.L. Vs. Bhurumal*** decided on 11.12.2013 reported in ***(AIR 2014 SCW 258)*** and submitted that respondent – applicant be paid atleast Rupees 5 lacs as a lumpsum compensation having regard to inflation; (because in the year 2013, Hon'ble the Supreme Court has awarded lumpsum compensation of ₹3,00,000/-.

13. Having heard learned counsel for the parties and upon considering the judgment of Hon'ble the Supreme Court rendered in the case of B.S.N.L. Vs. Bhurumal (supra) and the ever increasing inflation, this Court is of the view that the ends of justice would be met if the award dated 22.03.2005 is modified and the State is directed to pay a lumpsum compensation to the respondent No.1 – applicant to the tune of ₹4,00,000/-.

14. The award dated 22.03.2005 is, thus, accordingly modified. The respondent No.1 is held entitled to get a sum of ₹4,00,000/- instead of reinstatement and compensation of Rs.2,500/-.

15. The amount be paid within a period of three months from today.

16. The writ petition so also all interlocutory applications stand disposed of accordingly.

**(DINESH MEHTA),J**

20-Arun/-