

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

S.B. Civil Writ Petition No. 14167/2016

1. State Of Rajasthan Through The Secretary, Public Health And Engineering Department, Jaipur
2. The Superintending Engineer, Public Health And Engineering Department, Circle Jaisalmer
3. The Executive Engineer, Public Health And Engineering Department, City Division Jaisalmer
4. The Assistant Engineer, Public Health And Engineering Department, Sub Division Jaisalmer

----Petitioners

Versus

1. Prem Singh S/o Mohan Singh Through Vinod Purohit, Labour Consultant Mazdoor Sangh 18/716 Chopasani Housing Board, Jodhpur
2. Judge, Labour Court, Jodhpur

----Respondents

For Petitioner(s)	:	Ms. Anjana Jawa with Mr. Mohit Singh Choudhary
For Respondent(s)	:	Mr. Devendra Khatri

JUSTICE DINESH MEHTA

Order

29/05/2023

I.A.No.01/2021:-

1. By way of present application, the applicant – respondent No.1 has sought appropriate direction to the petitioner – State to reinstate him as per the mandate of Section 17-B of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act of 1947').

2. It has been indicated in the application that the applicant – respondent No. 1 came to know about the pendency of the present writ petition in September, 2021 immediately whereafter a Vakalatnama had been filed on behalf of respondent on

24.09.2021, followed by the present application was filed (on 23.10.2021).

3. It has been asserted by the applicant – respondent No.1 that he is not gainfully employed anywhere.

4. Though, a reply to the application has been filed, but the petitioners have not stated anything about the employment of respondent – employee anywhere.

5. Such being the position and keeping the mandate of Section 17-B of the Act of 1947, the present application is allowed.

6. The State is directed to reinstate the respondent or start payment the wages as per the law, which shall not be less than the minimum wages prescribed.

7. It will be required of the petitioner – State to reinstate respondent on or before 30.06.2023. In case, the respondent No.1 is not reinstated, he shall be paid wages/salary in accordance with law with effect from 01.07.2023.

8. The arrears of wages/salary w.e.f.23.10.2021 (the date of application) shall be cleared by 31.12.2023.

9. Needless to observe that the respondent's right to claim wages for the period from 12.07.2016 till 23.10.2021 shall stand reserved, which shall be decided at the time of final decision of the case.

10. Matter is admitted.



Stay Petition No.12592/2016:-

Stay application stands disposed of in terms of above order.

(DINESH MEHTA),J

37-akansha/-