

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 20114/2025

Sarpanch, Gram Panchayat Thated, District Kota.

----Petitioner

Versus

Shri Banshi Lal S/o Shri Modulal Through Narendra Kumar Tiwari, Joint General Secretary, Hindu Mazdoor Sabha, Bangali Colony, Chawani, Kota.

----Respondent

For Petitioner(s) : Mr. Ritesh Kumawat.

For Respondent(s) : --

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

15/04/2026

1. At the request of the learned counsel appearing for the petitioner, the writ petition has been taken up and heard for final disposal at the admission stage itself.

2. The present petition challenges the impugned award dated 09.11.2021 (Annex.5) and impugned order dated 30.07.2025 (Annex.6) whereby and whereunder, the reinstatement was allowed ex parte and an application filed by the petitioner to set aside such an ex parte award was also dismissed.

3. The case of the petitioner is that the services of the respondent-workman were initially taken as daily wages worker by the erstwhile Sarpanch though he had no authority to engage such a person and the respondent-workman continued to work with the respondent till the order of termination was passed. The order of termination was passed in pursuance of the Rajasthan (Regulation

of Appointments to Public Services and Rationalisation of Staff), Act, 1999 (hereinafter to be referred 'the Act of 1999').

3. The learned counsel appearing for the petitioner submits that as the initial appointment of the workman was illegal for the reason that the Sarpanch had no authority to engage such person and he was allowed to work till termination, therefore, the illegal appointment of the workman entitled that his services were liable to be terminated.

4. The Section 9 of the Act of 1999 clearly bars the regularisation of the services of an employee who worked on daily wages basis and also contemplates the requirement of following the provisions as contained in Section 25-F of the Industrial Disputes Act if the said provision of Section 9 of the Act of 1999 is made applicable in the case. The said Section 9 of the Act of 1999 reads as follows:-

"9. Bar to regularisation of services.- No person who is a daily wage employee and no person who is appointed on an urgent temporary basis and is continuing as such at the commencement of this Act shall have or shall be deemed ever to have a right to claim for regularisation of services on any ground whatsoever and the services of such person shall be liable to be terminated at any time with due notice.

Provided that in the case of workmen falling within the scope of Section 25-F of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), retrenchment compensation as may be payable under the said Act shall be paid in case of termination of services by way of retrenchment.

Provided further that nothing in this Section shall apply to the workmen governed by Chapter V-B of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947).

Explanation.- For the removal of doubts it is hereby declared that the termination of services under this Section shall not be deemed to be dismissal or removal from service but shall only amount to retrenchment or termination simpliciter, not amounting to any punishment.”

5. The findings of the Labour Court clearly demonstrate that the petitioner has not followed the requirement of Section 25-F of the Industrial Disputes Act. It is also not in dispute that the workman was covered under Section 25-F of the Industrial Disputes Act. When the petitioner has not followed the procedure of Section 25-F of the Industrial Disputes Act, this Court cannot find any fault with the impugned award passed by the Labour Court on merit.

6. Hence, the present writ petition is devoid of any merit and, therefore, the same is hereby ***dismissed*** at the admission stage.

(MUNNURI LAXMAN), J