

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S) .7657/2009

SUB-DIVISIONAL CONSERVATION
OFFICER & ANR.

APPELLANT (S)

VERSUS

DHANI RAM

RESPONDENT (S)

O R D E R

The respondent herein was engaged by the appellants on daily wages basis w.e.f 27.03.1998. For some time, he worked on muster roll basis on construction site of 6 No. Type-IV quarters in Nalagarh House Complex, Shimla. Thereafter, he worked in the Office of the Divisional Engineer, Shimla from May, 1998 to December, 1998. From 1st January, 1999, he worked on casual basis in the Soil Conservation Scheme. In this manner, he continued to work till 07.08.2000 uninterruptedly and thus, without fail the respondent worked for more than 240 days when his services were terminated. The respondent raised an industrial dispute alleging wrongful termination *inter alia* on the ground that the provisions of Section 25F of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the

Act') were not followed.

The Industrial Tribunal-cum-Labour Court at Shimla returned the award holding the termination bad in law as it was in violation of Section 25F of the Act. The appellants herein had pleaded that the provisions of Section 25F of the Act would not apply inasmuch as the workman was engaged against certain projects and the engagement was for time bond period which came to end with the completion of those projects. However, no cogent evidence was produced by the appellants to support the aforesaid plea. The Industrial Tribunal-cum-Labour Court, accordingly, directed reinstatement of the respondent in service with 50% back wages.

The writ petition filed by the appellants against the aforesaid award has been dismissed by the High Court vide impugned judgment dated 01.08.2008. The High Court has revisited the issue and upon the finding of the Labour Court that the respondent-workman had completed his service for more than 240 days in a block of 12 calendar months and the termination was illegal as it was not in accordance with the provisions of Section 25F of the Act. The contention of the appellants that the respondent-workman was engaged against a particular project and his services came to an end

automatically with the completion of that project was also rejected with the observation that no evidence in support of this plea is produced. On a specific query raised by this Court, learned counsel for the appellants could not show any such evidence led to the effect that the workman-respondent was engaged in a Scheme and, therefore, he was not entitled to any relief. We, thus, do not find any error in the award passed by the Labour Court which has been affirmed by the High Court.

The appeal is, accordingly, dismissed.

.....J.
[A.K. SIKRI]

.....J.
[ROHINTON FALI NARIMAN]

NEW DELHI;
OCTOBER 27, 2015

ITEM NO.1

COURT NO.13

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 7657/2009

SUB-DIVISIONAL CONSERVATION OFFR.& ANR.

Appellant(s)

VERSUS

DHANI RAM

Respondent(s)

(with appln. (s) for directions and interim directions and vacation of stay and office report)

Date : 27/10/2015 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Appellant(s) Mr. Suryanarayana Singh, Sr. Adv.
Ms. Pragati Neekhra, Adv.

For Respondent(s) Mr. M. C. Dhingra, Adv.
Ms. Gauri N. Rampal, Adv.
Mr. S. Lal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The civil appeal is dismissed in terms of the signed order.

Interlocutory Application(s) pending, if any, shall stand disposed of accordingly.

(Ashwani Thakur)
COURT MASTER

(Renu Diwan)
COURT MASTER

(Signed order is placed on the file)