

Narotam Chopra

Vs

Presiding Officer, Labour Court and Others

Civil Appeal No. 1579 (NL) of 1988

18.04.1988

ORDER

1. Special leave granted.

2. The appellant was employed in the Haryana State Electricity Board, his services were terminated. On a dispute raised by him, the State Government referred the matter to the Labour Court on the question whether the termination of service of the appellant was just and correct and, if not, to what relief he was entitled. The Labour Court gave an Award on February 25, 1986 holding that the appellant's termination of service was illegal for the non-compliance of Section 25-F of the Industrial Disputes Act, 1947 inasmuch as the employer failed to give notice and he further failed to pay compensation to the appellant. Even after recording this finding, the Labour Court held that the appellant was entitled only to one month's pay in lieu of period of notice of retrenchment and compensation. The appellant challenged the Labour Court's Award before the High Court by means of a writ petition under Article 226 of the constitution. The High Court dismissed the writ petition in limine. Hence the appellant has approached this Court by way of special leave.

3. On the admitted facts, the findings recorded by the Labour Court clearly show that the appellant's services were terminated in violation of Section 25-F of the Industrial Disputes Act, 1947. It is now well settled that if the services of an employee are terminated in violation of Section 25-F of the Industrial Disputes Act, 1947, the order of termination is rendered ab initio void and the employee would be entitled to continuity of service along with his back wages, see *Gammon India Ltd. v. Niranjan Dass* ((1984) 1 SCC 509 : 1984 SCC (L&S) 144). We accordingly allow the appeal and the set aside the order of the High Court and modify the Award of the Labour Court and we further direct that the appellant is entitled to reinstatement with full back wages and other allowances. The appellant is entitled to his costs which is quantified at Rs. 2000.

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