

SUPREME COURT OF INDIA

Ramesh Kumar

Vs.

Engineer-In-Chief, Irrigation Department, Haryana

(S.P. Bharucha, Y. Sabharwal and Ruma Pal JJ.)

21.08.2000

ORDER

S.P. BHARUCHA, J.

1. Leave granted.
2. The order under challenge reads thus:

There is a serious dispute between the parties as to whether the workman has completed 240 days of service. The Labour Court has recorded a finding in favour of the management holding that he worked only for 235 days. The petitioner has produced a copy of the attendance register which is said to have been produced by the management during the course of conciliation proceedings. A perusal of this document shows that the workman had worked for 29 days during the month of March 1993 whereas the Labour Court has counted only 24 days for this month.

Without going into the merits of the dispute raised before us, we are of the view that it would be in the interest of justice to modify the impugned award and direct the respondent management to pay to the petitioner a sum of Rs. 10,000 in all, towards full and final settlement of his claim as made before the Labour Court. We order accordingly. Let the amount be paid to the workman within one month from the date of receipt of a copy of this order. No costs.

3. We find it difficult to appreciate how the High Court in the order under challenge could have modified the award that was impugned before it and directed payment in full and final settlement of the workman's claim made before the Labour Court "without going into the merits of the dispute".
4. We think that it is necessary to set aside the order of the High Court and remand the writ petition (Civil Writ Petition No. 3349 of 1999) to the High Court for hearing and final disposal, expeditiously, after going into the merits of the dispute between the parties.
5. The parties shall be at liberty to apply to the High Court for a fixed date of hearing and/or for interim relief.
6. Order accordingly.
7. No order as to costs.

