



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No.21419/2018

Sitaram S/o Puran, Aged About 38 Years, R/o Village Bada Gaon,
Post Chandpura, Tehsil Basedi, District Dholpur.

-----Petitioner

Versus

1. Executive Engineer, Irrigation Division, Dholpur.
2. Assistant Engineer, Sub Division Sepaun, District Dholpur.
3. Assistant Engineer, Sub Division First, Badi, District Dholpur.

-----Respondents



For Petitioner(s) : None present
For Respondent(s) : Mr.Saumil Sharma for
Mr.Gopal Krishan Sharma, Addl.GC.

JUSTICE ANOOP KUMAR DHAND

Order

07/04/2025

1. By way of filing of this writ petition, a challenge has been made to the award dated 29.01.2008 passed by the Labour Court, Bharatpur while deciding LCR Case No.442/1999 by which the statement of claim submitted by the petitioner-workman has been rejected on the ground that no evidence was led by him.
2. Contents of the writ petition indicates that the petitioner was engaged as Baildar in the Office of the respondents in the year 1986 and he continued to work on the said post till December, 1989, but his services were terminated by the respondents, without following the process contained under Section 25-F & 25-G of the Industrial Disputes Act, 1947 (for short, "the Act of 1947").
3. The petitioner raised an industrial dispute against his termination order dated 31.12.1989. It appears that the petitioner



failed to adduce and produce the evidence, in support of his claim and on this count alone, his claim petition was rejected vide award dated 29.01.2008.

4. Contents of the writ petition indicate that the statement of claim was submitted by the petitioner against his termination order wherein certain dates were posted for recording his evidence, but he failed to adduce the evidence and on this count alone, the claim was rejected. Though the reasons for not producing the evidence has been explained in this petition, but the same reflects negligent attitude of the petitioner in conducting his case before the Court below, but looking to the controversy involved in the matter, this Court deems it just and proper to grant one last opportunity to the petitioner to adduce the evidence before the Labour Court subject to condition that he will plant 21 shade trees in his vicinity in the public area within a period of one month from the date of receipt of certified copy of this order and will produce photographs of the same before the Labour Court.

5. But, before allowing the petitioner to lead evidence, the compliance report would be seen by the Labour Court with regard to plantation of 21 saplings by the petitioner. The petitioner would look after these planted saplings till disposal of the claim petition. An undertaking be given by the petitioner that he would submit the photographs of the plantation of saplings on quarterly basis, i.e., June, September, December and March and such photograph would be clicked with the newspaper of the respective day.

6. In case, compliance of this order is made by the petitioner within the above stipulated time, last opportunity be granted to





the petitioner to adduce his evidence before the Labour Court and the Labour Court would decide the claim of the petitioner on its merits, after affording due opportunity of hearing to the petitioner.

7. This Court could have imposed monetary cost on the petitioner; however, in the interest of the public at large, deems it just and proper to direct the petitioner to use that cost for the greater public good. Planting trees as directed above, is one such initiative which this Court considers to be appropriate, as trees, for as long as they thrive whether for decades or centuries will continuously and silently offer numerous benefits to the city and the surrounding community. Future generations will benefit from a cleaner, fresh oxygen-rich environment.

8. In view of the above, the instant writ petition stands disposed of and the impugned award dated 29.01.2008 stands quashed and set-aside. The matter is remitted to the Labour Court for its fresh disposal on its merits.

9. Parties are directed to appear before the Labour Court on 06.05.2025.

10. Since, the petitioner has remained unrepresented before this Court, he is not aware of passing of this order, Office is, therefore, directed to send a copy of this order at the residential address of the petitioner, mentioned in the cause-title for his intimation/information.

11. Stay application and all pending application(s), if any, also stands disposed of.

(ANOOP KUMAR DHAND),J