



**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE**

**HON'BLE SHRI JUSTICE G.S. AHLUWALIA**

**ON THE 24<sup>th</sup> OF AUGUST, 2024**

**MISCELLANEOUS PETITION No. 1383 of 2019**

***PRESIDENT, BIRLA CORPORATION LTD AND ANOTHER***

*Versus*

***RAJGOVIND SINGH***

.....  
**Appearance:**

***Shri Yogesh Mohan Tiwari – Advocate for the petitioners.***

***Shri Rohit Singh – Advocate for the respondent.***

.....

**ORDER**

This petition under Article 227 of Constitution of India has been filed seeking following relief(s):-

- (i) This Hon'ble Court may kindly be pleased to call for the entire record which led to the passing of award dated 23.08.2018 pronounced on 13.02.2019 (Annexure P-5) by Shri Neelesh Yadav, Presiding Officer, Labour Court, Satna in Case No.13/14 ID Reference.
- (ii) This Hon'ble Court may kindly be pleased to set aside the award dated 23.08.2018 pronounced on 13.02.2019 (Annexure P-5) by Shri Neelesh Yadav, Presiding Officer, Labour Court, Satna in Case No.13/14 ID Reference.
- (iii) Any other relief which this Hon'ble Court deems fit and proper may also be awarded in favour of the petitioners in the interest of justice.



2. It is the case of petitioners that respondent workman raised a dispute under Section 10 of Industrial Disputes Act (in short 'I.D. Act') thereby claiming that he has worked for more than 240 days in a calendar year and his services were terminated without complying the mandatory provisions of Section 25F of I.D. Act. Therefore he is entitled to be reinstated in services. The said claim made by the respondent workman was disputed by the petitioners by filing their written statement.

3. The Labour Court by impugned Award dated 23/08/2018 held that the workman was working as a "*Badli Workman*". It was also held that the workman has failed to prove that he had worked for 240 days in a calendar year. However, the claim was allowed on the ground that since the petitioners have claimed that the workman himself had stopped coming on duty w.e.f. 24/12/2012 and since the workman has claimed that he is ready to serve the Department, therefore petitioners must give 15 days work in a month to the workman as a "*Badli Workman*".

4. Challenging the Award passed by Labour Court, it is submitted by counsel for petitioners that the "*Badli Workman*" is not entitled for any relief for the reason that the work from *Badli workers* are taken only when the workman whose name found on the Muster roll of the establishment is absent and therefore, the workman is not entitled for regular work of 15 days in a month as "*Badli Workman*".

5. *Per contra*, petition is vehemently opposed by counsel for the workman.

6. Heard learned counsel for the parties.

7. Section 25C of I.D. Act reads as under:-



**“25C. Right of workmen laid-off for compensation.-**Whenever a workman (other than a *badli* workman or a casual workman) whose name is borne on the muster rolls of an industrial establishment and who has completed not less than one year of continuous service under an employer is laid-off, whether continuously or intermittently, he shall be paid by the employer for all days during which he is so laid-off, except for such weekly holidays as may intervene, compensation which shall be equal to fifty per cent. of the total of the basic wages and dearness allowance that would have been payable to him had he not been so laid-off:

Provided that if during any period of twelve months, a workman is so laid-off for more than forty-five days, no such compensation shall be payable in respect of any period of the lay-off after the expiry of the first forty-five days, if there is an agreement to that effect between the workman and the employer:

Provided further that it shall be lawful for the employer in any case falling within the foregoing proviso to retrench the workman in accordance with the provisions contained in section 25F at any time after the expiry of the first forty-five days of the lay-off and when he does so, any compensation paid to the workman for having been laid-off during the preceding twelve months may be set off against the compensation payable for retrenchment.

*Explanation.-“Badli workman”* means a workman who is employed in an industrial establishment in the place of another workman whose name is borne on the muster rolls of the establishment, but shall cease to be regarded as such for the purposes of this section, if he has completed one year of continuous service in the establishment.”

8. It is clear from explanation that “*Badli workman*” means a workman who is employed in an industrial establishment in the place of another workman whose name is borne on the muster rolls of the



establishment but shall cease to be regarded as such for the purposes of this section, if he has completed one year of continuous service in the establishment.

9. Since the Labour Court had already come to a conclusion that the workman has failed to prove that he has worked for more than 240 days in a calendar year and the Labour Court had also held that the workman was a “*Badli workman*”, therefore the Labour Court committed a material illegality by directing the petitioners to regularly grant work for a period of 15 days in a month to the workman as a “*Badli workman*”. *Badli workman* is a workman who is employed in place of another workman whose name is borne on the muster roll. Therefore the requirement of *Badli workman* would arise only if the workman on the muster roll is not present.

10. Since the *Badli workman* has no right to claim regular employment unless and until he has completed 240 days in a calendar year, this Court is of considered opinion that the Labour Court committed a material illegality by directing the petitioners to give 15 days regular work to the workman as “*Badli workman*”.

11. Accordingly, Award dated 23/08/2018 passed by Labour Court Satna in case No.13/14 ID Reference is hereby **quashed**.

12. Petition succeeds and is hereby **allowed**.

(G.S. AHLUWALIA)  
JUDGE

S.M.