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RAJASTHAN FINANCIAL CORPORATION
Udyog Bhawan, Tilak Marg, JAIPUR-302 005

Ref.No.RFC/F.Law-3/LPM/22/ 6011

Dated: 30 May.2003

C I R C U L A R
(Lit. 88)

Sub: Important Court Decision - Jitendra
Sankhla Vs. RFC & Labour Court, Jodhpur
(chowkidar case)

In the matter of Jitendra Sankhla Vs. Manager, RFC, Jodhpur & Labour Court, Jodhpur in D.B. Special Appeal No. 170/2002, the D.B. of Hon'ble Rajasthan High Court while dismissing the appeal of Shri Jitendra Sankhla, chowkidar against the order of Single Judge dated 12.2.2002 in S.B. Civil Writ Petition No. 3604/2001 has observed as under:-

"The appellant was employed as "Chowkidar" in the industrial unit, which was taken over by the Rajasthan Financial Corporation under section 29 of the Financial Corporation Act. After the unit was sold, in order to liquidate the debt which the loanee owed to the RFC, the services of the appellant were terminated. Once the unit was sold, the work for which the appellant was employed came to an end. In the circumstances, the appellant cannot claim to have any right in the post. The learned Single Judge and the Labour Court were entirely right in coming to the conclusion that provisions of Section 25-F of the Industrial Disputes Act were not attracted."

You are aware that Corporation is facing litigation in the different labour courts filed by the chowkidars. Guidelines were issued by the Corporation to regulate the security arrangement on the units under possession with the Corporation.

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The guidelines so issued found tenable as observed by the Hon'ble Court because without making compliance of provisions of Section 25-F of Industrial Dispute Act, the services terminated of the chowkidar was not considered illegal and it was observed that once the unit is sold, the work for which the chowkidar was employed came to an end. Hence, the chowkidar cannot claim to have any right on the post and the provisions of Section 25-F of the Industrial Dispute Act are not attracted.

You are advised to circulate this judgement to all the advocates of your branch dealing the chowkidar matters and also brief the case to the DICs so that cases may be contested properly by taking use of pronouncement enclosed herewith.

(J.P.VIMAL)
EXECUTIVE DIRECTOR

Encl. As above.

Copy to:

1. All ROs/BOs/SOs
2. GM(WZ), Jodhpur/DGM(WZ-A&I), Ajmer
3. PA to all GMs at HO
4. All DGM(FR)s at HO

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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR.

D.B. SPECIAL APPEAL NO.170/2002

AMENDED CAUSE TITLE

APPELLANT:

Jitendra Sankhla son of Shri Nemichand
through the Legal Representative
Smt. Jasoda W/o late Shri Jitendra
Aged 28 years, Resident of Inside Nagori Gate,
Kalal Colony, Gali No.2, Jodhpur



VERSUS

RESPONDENTS:

- The Manager,
Rajasthan Finance Corporation (City Branch),
Jodhpur
- The Judge, Labour court,
Jodhpur

राजस्थान उच्च न्यायालय जोधपुर
02 MAY 2003
श्री प्रतिज्ञा

AMENDED CAUSE TITLE

D.B. Special Appeal under Section 18 of the
Rajasthan High Court Ordinances, feeling
aggrieved of judgment dated February 12,
2002 passed in S.B. Civil Writ Petition No.
3604/2001 whereby the writ petition has
come to be dismissed by Hon'ble Dr. Justice
B.S. Chauhan.

[Handwritten signature]

D.B.CIVIL SPECIAL APPEAL NO.170/2002

Jitendra Sankhla Vs. The Manager RFC & anr.

Date of order :: 28.4.2003

HON'BLE THE CHIEF JUSTICE MR. ANIL DEV SINGH

HON'BLE MR. JUSTICE H.R.PANWAR

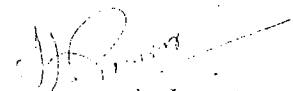
Mr.R.S.Saluja for the appellant.
Mr.R.P.Dave for respondents.

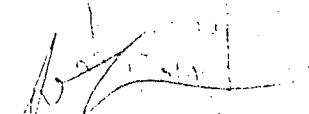


This appeal is directed against the order of learned Single Judge dated 12th February, 2002 in S.B.Civil Writ Petition No.3604/2001.

The appellant was employed as "Chowkidar" in the industrial unit, which was taken over by the Rajasthan Financial Corporation under section 29 of the Financial Corporation Act. After the unit was sold, in order to liquidate the debt which the loanee owed to the RFC, the services of the appellant were terminated. Once the unit was sold, the work for which the appellant was employed came to an end. In the circumstances, the appellant cannot claim to have any right in the post. The learned Single Judge and the Labour Court were entirely right in coming to the conclusion that provisions of section 25-F of the Industrial Disputes Act were not attracted.

Accordingly, the appeal fails and is hereby dismissed.


(H.R. PANWAR), J.


(ANIL DEV SINGH), O.J.

राजस्थान हाईकोर्ट, जयपुर
28/4/2003
अपील नं. 170/2002

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