

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.L. No. 5142 of 2007

Bhaiyaram, S/o Anandi Sahu Caste Sahu, R/o Lakholi District
Rajnandgaon C.G.

---- Petitioner

Versus

1. Presiding Officer Labour Court, Rajnandgaon (Under I.D. Act)
2. Sub Divisional Officer Water Resources Department Sub Division,
Rajnandgaon District Rajnandgaon C.G.

---- Respondents

For Petitioner :- Shri Anup Majumdar along with Shri Basant
Dewangan Advocates.

Hon'ble Shri Justice P. Sam Koshy

Order On Board By

14/07/2015

1. By way of the instant writ petition the petitioner has challenged the award dated 14.11.2000 passed in case No. 33/ID Act/2000(Reference) by the Presiding Officer Labour Court Rajnandgaon.
2. The facts in nutshell is that the reference under the provision of Industrial Dispute Act was referred to the said Labour Court at Rajnandgaon with the following terms of reference.

“ Whether the termination of service of Bhaiyaram Sahu was legal and proper or not ? If not to what relief he is entitled for and what directions can be issued to the employer in this regard”

3. The dispute was registered by the Labour Court and proceeded to adjudicate the terms of reference. In the course after completion of the pleading and recording of the evidence the Labour Court vide the impugned award dated 14.11.2006 answered the terms of reference in the negative holding that the petitioner/workmen involved in the dispute is not entitled for any relief.

4. Counsel for the petitioner /workmen submits that the Labour Court has not properly appreciated the pleading and the evidence put forth by the petitioner/workmen before the Labour Court and that the award is based on wrong appreciation of facts. He further submits that while the matter was pending before the Labour Court the State Government issued a circular vide Annexure P/2 on 4/4/05 enhanced the age of retirement of daily wage workers working under the State Government and thus prayed for grant of the same benefit to the petitioner also.

5. Further a perusal of the award and the record would show that the petitioner/workmen himself in his pleadings and the evidence has admitted the fact that he had raised the dispute in respect of his date of birth only after his retirement and not while he was in service. The petitioner/ workmen has further admitted in his evidence that he got his birth certificate prepared for the first time only on 14.07.2000 which again is date subsequent to the retirement of the petitioner / workmen. Further on perusal of the award also shows that the Labour Court has passed the award taking into consideration the fact that the petitioner/workmen has except his birth certificate dated was 14.07.2000 has not adduced any substantive piece of evidence to substantiate his claim for correction of his date of birth. As far as Annexure P/2 is concerned the same will not give any advantage to the petitioner because the same has been issued much after the

petitioner already stood retired.

6. Considering the facts and circumstances of the case, more particularly taking into consideration the scope of interference by this Court invoking the writ jurisdiction against the award passed by the Labour Court under article 226/227 of the Constitution of India being very limited, this Court does not find any good reasons for interfering the award passed by the Labour Court and the petition thus being devoid of merits and is rejected.

Sd/-
(P. Sam Koshy)
JUDGE