

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 6158 of 2009

1. State Of Chhattisgarh, Through The Chief Engineer Public Works Department (B&R), Raipur, Chhattisgarh
2. The Executive Engineer, Public Works Department (B & R) Champa Division, Champa, Distt. Janjgir Champa, Chhattisgarh

---- Petitioners

Versus

- Kunj Bihari Rathore, aged about 65 years, S/o Daulat Ram Rathore, Occupation : Carpenter, PWD, Sub Division, Sakti, District Janjgir Champa, Chhattisgarh R/o Village Nadaurkala, Tahsil Sakti, District Janjgir Champa, Chhattisgarh (now dead)
1. Bharat Lal Rathore S/o Late Kunj Bihari Rathore, aged about 45 years, Village Nadaurkala, Tahsil Sakti, District Janjgir Champa (C.G.)

---- Respondent

For Petitioners/State	: Shri Y.S. Thakur, Dy. Advocate General
For Respondent	: Shri Vinod Deshmukh

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

10/04/2015

1. This writ petition under Article 227 of the Constitution of India is preferred against the appellate order passed by the Industrial Court, Chhattisgarh on 07/02/2008 affirming the order passed by the Labour Court, Bilaspur on 30/11/2005 giving benefit of the pay scale of permanent class-I Carpenter to the respondent-workmen from 02/01/1995 till age of superannuation and has further directed to grant him all consequential benefits including arrears of pay and pension.
2. Admittedly, the respondent-workmen has died on 18/09/2013. There is no interim order operative in favour of petitioner, thus the impugned order has already been acted upon.

3. In view of the death of the employee and for the fact that any decision adverse to the interest of the workmen would affect the legal heirs, this Court does not deem it appropriate to decide the matter as this Court is of the considered opinion that the matter has been rendered infructuous. It is accordingly disposed of as infructuous, however, the principle on which the respondent-workmen was granted, relief shall not be treated as precedent and a case of similar nature shall be decided on its own merit in accordance with law.

JUDGE