

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(L) No. 38 of 2015

1. State Of Chhattisgarh Through The
Secretary, Department Of Commercial
Tax Mahanadi Bhawan, Mantralaya
Naya Raipur District Raipur (C.G.)
2. Commissioner Commercial Tax
Department, Chhattisgarh, Raipur (C.G.)

---- Petitioner

Versus

Ratnaram S/o Marchairam Aged About 49
Years Occupation, Hammal, R/O Village
Putrichoura, Post Office - Putrichoura,
Post Office, Lodam, P.S. Jashpur, Tahsil
And District Jashpur (C.G.)

---- Respondent

For Petitioners/State:

Shri Shashank Thakur, Govt.
Advocate.

Hon'ble Shri Justice P. Sam Koshy
Order On Board

19/03/2015

By way of the instant petition, the petitioners have challenged the impugned order dated 18.7.2014 passed by the Labour Court in Case No.37/I.D. Act/2013 whereby the respondent was a daily wage worker w.e.f 16.7.2001 and continued in the service as daily wage worker till 31.3.2011 whereby the services of the respondent were discontinued by the petitioner.

2. The respondent/worker thereafter raised the dispute before the Labour Court under the provisions of the Industrial Disputes Act and Case No. 37/I.D. Act/2013 was registered and after the pleadings were complete and the evidence was recorded by the court below, finally vide its order dated 18.7.2014, directed the petitioners to pay one month's pay in lieu of notice of the petitioner and in lieu of the reinstatement of an amount of Rs.25,000 to be paid as compensation.

3. It is this award which is under challenge by the present writ petition.

4. On perusal of the findings of the Labour Court, it appears that the evidence which has been led on behalf of the petitioner was not satisfactory to establish whether the discontinuance of the respondent was on administrative exigency or not and whether the provisions of the Industrial Dispute Act were complied with prior to the discontinuance of the services or not and in the given set of evidence led on behalf of the petitioner, the finding arrived at by the court below cannot be said to be bad in law or illegal nor the petitioner raises any jurisdictional error committed by the court below while passing of the order. Even otherwise, a perusal of the award would reflect that once if the finding of the Labour Court is that the services of the daily wage worker have been illegally terminated, the worker would be entitled for reinstatement with all consequential benefits.

5. Taking into consideration the peculiar facts and circumstances of the case, the Labour Court in the instant case has only awarded **monthly wages** and also in lieu of reinstatement, has awarded a compensation of Rs.25,000 which in the opinion of the Court is fully reasonable and justified and does not call for any interference at this juncture invoking jurisdiction of this Court.

6. For the foregoing reasons, the instant writ petition suffers from merits and the same is accordingly rejected.

J U D G E