

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 7184 of 2008

Smt. Shakun Bai W/o Late Basant Gond, R/o Village and Post
Bamhni Bhata, Police Station Chhuria, Tahsil And Distt.
Rajnandgaon (C.G.)

---- Petitioner

Versus

1. Divisional Forest Officer, Forest Division (General)
Rajnandgaon, District Rajnandgaon (C.G.)
2. Presiding Officer, Labour Court, Rajnandgaon (C.G.)

---- Respondents

For Petitioner	:	Shri C. R. Sahu, Advocate
For Respondent/State:		Shri Adhiraj Surana, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

14/08/2015

The petitioner through the instant writ petition has challenged the award dated 07.04.2008 passed by the Labour Court, Rajnandgaon in Case No. 79/ID Act/2007/Reference.

2. Grievance of the petitioner is that her husband late Basant Gond was working as a daily wage worker with respondent No.1 and his services were illegally discontinued w.e.f. 17.01.2000. Subsequently, an Industrial Dispute was raised and the matter was referred to the Labour Court which was registered as case No.79/ID Act/2007/Reference.

3. According to the counsel for the petitioner, pending the reference case before the Labour Court, the husband of the petitioner i.e. the worker involved in the industrial dispute died on 04.11.2007. That on the death of the deceased worker, the petitioner moved an application under Order 22 Rule 4 of C.P.C. for substitution of the petitioner in place of the deceased worker. Counsel for the petitioner submits that this application under Order 22 Rule 4 C.P.C. has been

illegally rejected by the Court below leading to the filing of the present writ petition.

4. State counsel, however, opposing the petition submits that the present case does not warrant any interference for the reason that admittedly, husband of the petitioner was working as a daily wage employee and subsequent to his death, reinstatement in service could not have been arisen. He further submits that as the status of the husband of the petitioner was that of a daily wage worker, the question of any consequential relief or terminal benefits also would not arise and therefore, the Court below has rightly rejected the application under Order 22 Rule 4 of C.P.C.

5. Considering the rival contention put forth by the counsel appearing on either side and on perusal of the record, this Court is of the opinion that the view taken by the Labour Court while passing the impugned award is proper, legal and justified for the reason that admittedly, husband of the petitioner was a daily wage worker and after his death, the question of reinstatement in service even if the order of removal is taken to be illegal does not arise. Further, since the status of the husband of the petitioner was that of a daily wage worker, the question of grant of any consequential benefit also does not arise and it would only be of academic interest if the reference case is permitted by the Legal Heirs to be pursued for a logical conclusion.

6. For the foregoing reasons, this Court is of the opinion that no good ground is made out calling for an interference in the impugned order passed by the Court below. Thus, the writ petition being devoid of merit is accordingly dismissed.

**Sd/-
(P. Sam Koshy)
JUDGE**