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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No. 5404 of 2006**

State of Chhattisgarh, through Divisional Forest Officer, South Kondagaon, Forest Division,
Kondagaon, District Bastar Chhattisgarh.

---- **Petitioner****Versus**

1. Raju Patel S/o Basant Patel, Sambalpur, Kondagaon, District Bastar Chhattisgarh.
2. Labour Court, Jagdalpur, District Bastar.

---- **Respondents**

For Petitioner	: Shri B. Gopa Kumar, Deputy Advocate General.
For Respondent No.1	: None.

Hon'ble Shri Navin Sinha, Acting Chief Justice**Order On Board****20/03/2015**

1. The Petitioner is aggrieved by award dated 26.05.2006 of the Labour Court directing reinstatement of the Respondent No. 1 for retrenchment in violation of Section 25 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act').
2. Notice was issued to Respondent No. 1 on 6.10.2006 by registered post. The service report is not on file till date and is awaited. Notice shall therefore be deemed to have been served after expiry of thirty days.
3. Learned Counsel for the Petitioner submits that Respondent No. 1 was appointed on daily wage as Chowkidar. He has been reinstated as daily wage pursuant to the award. A daily wage does not have an indefeasible right to continue for all times to come and his engagement is always dependent on the needs of the

employer even if reinstatement has been ordered earlier by the Labour Court for alleged non-compliance of Section 25F of the Act.

4. The law with regard to removal of a daily wage and reinstatement/ compensation for non-compliance of Section 25F of the Act stands considered in (2014) 7 SCC 190 (Hari Nandan Prasad v. Food Corporation of India) holding that a daily wage employee has no automatic right to reinstatement as need of a daily wage employee is the prerogative of the employer to decide and compensation is an appropriate remedy in such cases. But considering that reinstatement in the present case has taken place as far back as 2006 as a daily wage employee, accepting the contention of the Petitioner that the continuance of a daily wage employee is always dependent on the needs of the employer and that no daily wage employee has an indefeasible right to continue for all times to come, the writ petition is disposed off.

ACTING CHIEF JUSTICE