

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 486 of 2013

The Regional Director Central Ground Water Board, Ministry of Water Resources, North Central Chhattisgarh Region, R-16, Anupam Nagar, Raipur, CG

---- Petitioner

Versus

Shri P.S. Rao S/o Shri P.Narayana Murthy C/o P.R.S. Swamy, Type II, 109/3, WRS Colony, Raipur CG

---- Respondent

For Petitioner
For Respondent

Shri N.K. Vyas, Asstt. Solicitor General
Shri Shashank Thakur, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

20/08/2015

Heard learned counsel for the parties.

1. The writ petition is directed against the award passed by the Central Government Industrial Tribunal, Jabalpur (for short 'the CGIT') on 25-7-2012 directing reinstatement of the respondent workman with full back wages in the establishment of the Central Ground Water Board, Raipur.
2. The industrial dispute raised by the respondent workman was on the submission that he has worked as contingent employee from

24-3-1992 till 31-7-1995 and was abruptly terminated on 1-8-1995 without issuing any show cause notice or opportunity of hearing. Thus, the provisions contained in Section 25-F of the Industrial Disputes Act, 1947 (for short 'the Act, 1947') was violated.

3. At the end of adjudication, the CGIT found that the respondent workman has been removed without following the provisions of Section 25-F of the Act, 1947 and since he had worked for more than 240 days in the preceding calendar year he is entitled for reinstatement with back wages.
4. The said part of the award is based on appreciation of evidence, which is not open to judicial review in this petition under Article 227 of the Constitution of India.
5. In course of hearing on 11-7-2013, learned counsel appearing for the petitioner had argued that in view the judgment rendered by the Supreme Court in **Assistant Engineer, Rajasthan Development Corporation and Another v. Gitam Singh**¹, the respondent workman would only be entitled for monetary compensation in lieu of reinstatement. This Court directed learned counsel for the petitioner to come out with definite offer of lump sum compensation.
6. Learned Assistant Solicitor General appearing for the petitioner would submit, on instructions, that the department is ready to pay

¹ (2013) 5 SCC 136

monetary compensation to the respondent workman to the tune of Rs.50,000/-.

7. Per contra, learned counsel appearing for the respondent workman would refer to the order passed by this Court in **State of Chhattisgarh v. Lekha Singh**² and other connected matters, to contend that the respondent workman is entitled at least for Rs.1,00,000/-, as monetary compensation.
8. Having heard learned counsel for the parties, having considered the entire facts and circumstances of the case and in view of the fact that the petitioner has not disputed before the CGIT that the respondent workman was employed w.e.f. 24-3-1992 and the CGIT has found that the workman was removed in July, 1995 and, thus, he has worked for a little more than three years, ends of justice would be served if the petitioner is directed to pay monetary compensation of Rs.75,000/- in lieu of award of reinstatement, as held by the Supreme Court in **Hari Nandan Prasad and Another v. Employer I/R to Management of Food Corporation of India and Another**³.
9. On 22-4-2015 this Court had directed the petitioner to comply with the provisions of Section 17-B of the Act, 1947, which would mean that in lieu of reinstatement, pursuant to the impugned award, the petitioner would continue to pay the last wages drawn to the respondent workman, however, admittedly, the last wages drawn has been paid to

² WPL No.7892 of 2011 (decided on 28-3-2012)

³ (2014) 7 SCC 190

the respondent workman for the period from April 2015 to July, 2015 and, thus, the same remains unpaid on and from the date of award till March, 2015. The respondent workman would also be entitled for the unpaid wages for the period July, 2012 to March, 2015.

10. In view of the above, the writ petition stands disposed of in the following terms :

- The petitioner shall pay to the respondent workman an amount equal to the last wages drawn for the period July, 2012 to March, 2015.
- In lieu of order of reinstatement, the petitioner shall pay monetary compensation of Rs.75,000/- to the respondent workman.
- Both the above said amounts shall be paid to the respondent workman within a period of three months from today. In the event, the payment is not made within this period, the amount shall carry interest @ 9% per annum to be calculated from today.

Judge

Prashant Kumar Mishra