

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (L) No.1870 of 2009

The Divisional Forest Officer, Forest Division Rajnandgaon, District Rajnandgaon, Chhattisgarh

---Petitioner

versus

Chandrabhan, S/o Rajaram Vishwakarma, R/o Village and Post Baghnadi, District Rajnandgaon, Chhattisgarh

---- Respondent

For State/Petitioner : Shri Prafull N. Bharat, Additional Advocate General

Hon'ble Shri Navin Sinha, Chief Justice

Order on Board

13/4/2016

1. Heard Learned Counsel for the Petitioner.
2. The Petitioner assails award dated 2.7.2008 by the Labour Court setting aside the retrenchment of the Respondent for non-compliance with Section 25F of the Industrial Disputes Act. The Labour Court drew an adverse inference because of non-production of muster-roll and the failure of the Petitioner to lead any evidence in defence. The Respondent has already been reinstated as far back as 17.10.2008.
3. In view of the observations at paragraph 22 of (2014) 11 SCC 85 (Bhuvnesh Kumar Dwivedi v. Hindalco Industries Limited), there being no procedural infirmity in the decision making process by the Tribunal and on the contrary the Petitioner itself failed to produce the muster-roll or lead any other evidence in its support, the Court is not inclined to interfere.

“22. a careful reading of the judgments reveals that the High Court can interfere with an order of the Tribunal only on the procedural level and in cases, where the decision of the lower courts has been arrived at in gross violation of the legal principles. The High Court shall interfere with factual aspect placed before the Labour Courts only when it is convinced

that the Labour Court has made patent mistakes in admitting evidence illegally or have made grave errors in law in coming to the conclusion on facts. The High Court granting contrary relief under Articles 226 and 227 of the Constitution amounts to exceeding its jurisdiction conferred upon it. Therefore, we accordingly answer Point (i) in favour of the appellant.”

4. The writ petition is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE