

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No. 2286 of 2009**

State of Chhattisgarh, Through: Divisional Forest Officer, Forest Division
Kawardha, District Kabirdham, Chhattisgarh.

---- Petitioner**Versus**

1. Mukesh Kumar S/o Phool Singh Pitania, R/o Mainpura, Post Pandaria, District Kabirdham, Chhattisgarh.
2. The Labour Court, Rajnandgaon, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Prafull N Bharat, Additional Advocate General.
For Respondent No. 1	:	Shri H. B.Agrawal, Senior Advocate with Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****25/02/2016**

1. Heard Learned Counsel for the Petitioner and the Respondent No. 1.
2. The Petitioner assails order dated 18.3.2008 passed by the Labour Court, Rajnandgaon setting aside the termination of Respondent No. 1 who was a daily wage for non-compliance with the provisions of Section 25F of the Industrial Disputes Act.
3. Considering the facts and circumstances of the case and that Respondent No. 1 has been reinstated as far back as mid 2008, he is a daily wage, no infirmity in the decision making process of the Labour Court has been pointed out, the Court is not inclined to interfere in view of the following observations in (2014) 11 SCC 85 (Bhuvnesh Kumar Dwivedi v. Hindalco Industries Limited) as follows:

"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 up on it. Therefore, we accordingly answer Point (i) in favour of the appellant."

4. There is no merit in the writ petition. It is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE