

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5302 of 2006**

Ramchand Nachrani S/o Late Deepchand Nachrani, aged about 50 years,
Employer and Proprietor of M/s. Prem Stationary Banjari Road, Raipur,
Chhattisgarh.

---- Petitioner**Versus**

1. Ghanshyam Dewangan son of Dwarika Dewangan, R/o Adarsh Nagar,
Mathpara, Near Kalyan Kirana Stores, Raipur, Through CITU Office, Amapara,
Raipur, Chhattisgarh.
2. The Presiding Officer/Appellant Authority (CG Shop and Establishment Act,
1958 & Assistant Labour Commissioner, Raipur Chhattisgarh.

---- Respondents

For Petitioner	: Shri Vinod Deshmukh, Advocate.
For Respondents	: None.

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****13/04/2016**

1. IA No. 1 of 2016 has been filed for substituting legal heirs of the original Writ Petitioner who has died on 25.1.2014. IA No. 2 has been filed to condone delay in filing the application for substitution.
2. The present writ petition assails order dated 3.8.2005 passed by the Appellate Authority, Shops and Establishments Act, 1958 holding that the removal of Respondent No. 1 was bad ordering reinstatement with 50% backwages.
3. Learned Counsel for the Petitioner submits that the Appellate Authority was not justified in drawing an adverse inference when the employee register had been produced, marked Exhibit D-1 which did not reflect the name of Respondent No. 1.

4. The Court has considered the submissions and finds from the appellate order that no statutory returns, registration certificate or other documents as required to be maintained under the Shops and Establishments Act, 1958 was produced by the Petitioner. Even after the Respondent No. 1 led his evidence, the Petitioner did not even bother to cross-examine. The Court therefore find no reason to interfere with the adverse inference drawn by the Appellate Authority warranting interference in writ jurisdiction.

5. The I.A. applications are allowed. The writ petition is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE