

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Writ Petition (L) No.1844 of 2009**

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

**---Petitioner**

**versus**

Madan Lal Dewangan, S/o Anjorilal, R/o Kanhe, Block A, Chowki, District  
Rajnandgaon, Chhattisgarh

**---- Respondent**

**Writ Petition (L) No.1868 of 2009**

The Divisional Forest Officer, Forest Division, Rajnandgaon

**---Petitioner**

**versus**

Budhram, S/o Jhagaruram Yadav, R/o Village Nawatola, Post Baghnadi,  
District Rajnandgaon, Chhattisgarh

**---- Respondent**

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| For State/Petitioner | : | Shri Prafull N. Bharat, Additional<br>Advocate General                      |
| For Respondents      | : | Shri H.B. Agrawal, Senior Advocate with<br>Ms. Nandkumari Kashyap, Advocate |

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**Hon'ble Shri Navin Sinha, Chief Justice**

**Order on Board**

**13/4/2016**

1. Heard Learned Counsel for the Petitioner and the Respondents.
2. The Petitioner assails award dated 9.5.2008 and 28.4.2008, respectively of the Labour Court setting aside the retrenchment of the Respondents 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 Respondents have already been reinstated as far back as 23.12.2008 and 17.10.2008, respectively.
3. In view of the observations at paragraph 22 in (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**