

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No. 1605 of 2007

- State Of Chhattisgarh, through Exceutive Engineer, Rural Engineering Services Diviison, Kondagaon District Bastar (C.G.)

---- Petitioner

Versus

- Jhundas Patel S/o shri Ghasiram Patel, R/o Vill. Banigaon, District-Bastar (C.G.)

---- Respondent

For Petitioner	:	Mr. H.B. Agrawal, Sr. Advocate with Ms. Itu Rani Mukherjee, Advocate
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/10/2016

1. The challenge in the present Petition is the award dated 04.05.2006 passed by the Labour Court Jagdalpur. in civil case number 35/ID Act(Ref.)/2004.
2. Vide he said impugned order the Court below in a reference case against the alleged illegal termination of the employment of the Respondent has answered the reference in the affirmation holding the termination was bad in law and has accordingly set aside the same and reinstated the Petitioner without back wages.
3. The pertinent feature which cannot be brushed aside is the fact that the present Petition was filed as early as on 03.03.2007 and there was an interim application moved by the Petitioner/State which was dismissed by this Court on 20.03.2007. Meanwhile, services of the Respondent was reinstated on his previous post with effect from 24.07.2006 as is reflected from the order dated 28.02.2007. Since

24.07.2006 the Petitioner is in the continuous employment under the Petitioner and subsequently vide the order dated 03.09.2008 services of the Respondent worker has also already been regularized by the Petitioner. Annexure R/1 of the reply filed by the Respondent dated 03.09.2008 reflects the name of the Respondent in the said document at Serial No. 11.

4. Now that the impugned award of the State Government is under challenge in the present Writ Petition having been substantially complied with by the Petitioner State Government and in due course of time the services of the Petitioner having also been regularized vide order dated 03.09.2008, in the opinion of this Court no fruitful purpose would be served for considering the veracity of the impugned award on its merits now in the changed circumstances. The equity in the given factual matrix of the case lies in favour of the respondent employee by virtue of rights which has been created in favour of the Respondent employees pending the Petition before this Court. It would not be proper to try to unsettle what has been settled by the State Government pending the Petition.
5. The Writ Petition therefore in the peculiar circumstances of the case stands dismissed.

Sd/-
(P. Sam Koshy)
Judge