

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPL No. 41 of 2016**

Ram Dulare S/o Shri Pardeshi Ram Soni, Aged About 45 Years R/o Near Bhawani Mandir, Jogiya Dera, Darri Dam, Tahsil Katghora, District Korba (Chhattisgarh)

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, New Raipur, P.S. Rakhi, District Raipur (Chhattisgarh) (Respondent No. 1 Was Not A Party Before The Learned Labour Court, But Has Been Impleaded As Respondent No. 1 Herein As It Is Necessary To Implead The State Government Through The Secretary Of Concerned Department)
2. The Executive Engineer, Hasdev Barrage Water Management, Division Rampur, Korba, District Korba (Chhattisgarh)
3. The Sub Divisional Officer, Mini Mata Hasdev Bango Quality Control Sub-Unit, Darri, Tahsil Katghora, District Korba (Chhattisgarh)
4. The Presiding Officer, Labour Court, Korba, P.S. & District Korba (Chhattisgarh)

...**Respondents**

For Petitioner	:	Mr. Atul Pandey, Advocate.
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Oral order****17/06/2016**

Heard.

This petition under Article 226 of the Constitution of India is preferred against order dated 27.08.2015 passed by the Labour Court by which the Labour Court has rejected the petitioner's claim of reinstatement in service.

2. Learned counsel for the petitioner argued that the Labour Court did not hold proper enquiry in the matter. It is submitted that it was the duty of the Labour Court

to direct the respondents to produce entire records in his possession which would have proved that the petitioner was engaged as labourer and he worked for continuous 240 days in one calendar month and thus entitled to protection of Section 25(F) of the Industrial Disputes Act in the matter of retrenchment.

3. It is found that the petitioner worked as 'Helper' till 28.02.1995.

4. The petitioner challenged the order of retrenchment on the ground that he had become a permanent employee and mandatory provision of retrenchment was not complied with.

5. The management denied in the written statement that the petitioner continuously worked for 240 days in one calendar year in the employment. It was also stated that the petitioner had never worked continuously and he was engaged as and when need arose.

6. The Tribunal framed issue allowed the parties to lead oral and documentary evidence. No evidence could be led by the petitioner to prove that he worked continuously for 240 days in a calendar year so as to claim protection under Section 25(F) of the Industrial Disputes Act. The petitioner as the impugned order goes to show never sought production of any of the records/ muster roll of the relevant period.

7. In view of the above, the Labour Court dismissed the claim of the petitioner holding that the petitioner failed to prove that the petitioner worked for continuously 240 days in a calendar year. There is no error of jurisdiction, nor any perversity or patent illegality warranting interference with the order.

8. The petition is, therefore, dismissed.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E