

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 6362 of 2008

- State Of Chhattisgarh through Divisional Forest Officer, Marwahi Division, Post Pendra Road, Distt. Bilaspur (C.G.)
- Range Officer, Kenda Range, Headquarter, Belgahana, Post Belgahana, Distt. Bilaspur (Cg)

---- Petitioner

Versus

- Rameshwar Prasad Rajak S/o Shri Dukalu Ram Rajak, Gram & Post, Salka, Navagaon, Tahsil Kargi Road, (Kota), Distt. Bilaspur (Cg)

---- Respondent

For Petitioners/State	Shri Shashank Thakur, GA
For Respondent	None

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

03/05/2016

1. The petitioners/State have preferred this writ petition under Article 227 of the Constitution of India challenging the award dated 9-5-2008 passed by the Labour Court, Bilaspur, whereby the learned Labour Court ordered for reinstatement of the respondent/workman in service without back wages.
2. The workman raised an industrial dispute challenging his retrenchment on the ground that the retrenchment is contrary to the

provisions of the Industrial Disputes Act, 1947 (for short 'the Act, 1947'). The same has been referred by the appropriate authority for its adjudication to the Labour Court, Bilaspur on 22.08.2005.

3. While deciding the reference, the Labour Court has found that the workman was engaged in the year 1979 and continued to serve in the petitioner department till 1995 when he was terminated without issuing any notice or paying retrenchment compensation. The Labour Court has recorded categorical finding that the workman had worked for 240 days in the preceding calendar year and was, thus, entitled to retrenchment compensation, which was neither offered nor paid to him. The finding is, thus, to the effect that there is clear violation of the provisions of Section 25-F of the Act, 1947.
4. The Supreme Court in **Bhuvnesh Kumar Dwivedi v. Hindalco Industries Limited**¹, has reiterated the principles regarding the scope of interference with the finding recorded by the Labour Court. The following has been held in para 22 of **Bhuvnesh Kumar Dwivedi** (supra) :

“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

1 (2014) 11 SCC 85

and 227 of the Constitution amounts to exceeding its jurisdiction conferred upon it. Therefore, we accordingly answer point (i) in favour of the appellant.”

5. In view of the settled legal position and considering the facts of the present case, the petitioners have failed to point out any illegality or perversity in the impugned award.
6. In the result, the petition, being devoid of merit, is liable to be and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Nirala