

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No. 2851 of 2009**

1. State of Chhattisgarh, Through: Chief Medical & Health Officer, Dhamtari, Chhattisgarh.
2. District Malaria Officer, Mahasamund, Chhattisgarh.

---- **Petitioners****Versus**

1. Tosh Kumar Sahu S/o Shri Ghasia Ram Sahu, Aged about 27 years, R/o village & Post Katalbod, Thana Kurud, District Dhamtari, Chhattisgarh.
2. The Labour Court, Raipur, Chhattisgarh.

---- **Respondents**

For Petitioner	:	Shri Prafull N Bharat, Additional Advocate General.
For Respondent No. 1	:	None.

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****25/02/2016**

1. Heard Learned Counsel for the Petitioner.
2. The Petitioner assails order dated 22.8.2008 passed by the Labour Court, Raipur directing reinstatement after termination of the Respondent No. 1, a daily wage for non-compliance with Section 25F of the Industrial Disputes Act.
3. Respondent No. 1 is stated to have been reinstated as early as 2009. He is working since then. Keeping in mind that he is a Class IV daily wage employee as a Field Worker, pursuant to reinstatement, he has now been in service for over six years, at this late stage, any interference may have very serious consequences for him and his family. No infirmity has been pointed out in the decision making process of the Labour Court.
4. The only ground urged is that considering his short duration of service, compensation in lieu of reinstatement should have been ordered. But we observe that there is also a finding that after removing him, another daily wage was appointed on the same post.

5. The Court is not inclined to interfere in view of the facts of the case and In view of the observations in (2014) 11 SCC 85 (Bhuvnesh Kumar Dwivedi v. Hindalco Industries Limited) as follows:

"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."

6. There is no merit in the writ petition. It is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE