

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No. 100 of 2013

- State Of Chhattisgarh Through The Secretary, Deptt Of Water Resources, Mahanadi Bhawan, Mantralaya, Raipur, Dist Raipur, Cg
- The Executive Engineer Water Recourse Deptt, Chhuikhadan, Ps Chhuikhadan, Dist Rajnandgaon, Cg

---- Petitioner

Versus

1. Shri Jairam And Anr. S/o Shri Faguram Sahu Aged About 40 Years R/o Vill Kaudiya, Post Dewaribhath, Ps Khairagarh, Dist Rajnandgaon, Cg
2. The Labour Court Rajnandgaon, Dist Rajnandgaon, Cg

---- Respondent

and

WPL No. 101 of 2013

1. State Of Chhattisgarh And Anr. Through The Secretary, Deptt Of Water Resources, Mahanadi Bhawan, Mantralaya, Raipur, Dist Raipur, Cg
2. The Executivbe Engineer Water Recourse Deptt, Chhuikhadan, Ps Chhuikhadan, Dist Rajnandgaon, Cg

---- Petitioner

Versus

1. Shri Manoj Sahu And Anr. S/o Alakhram Sahu Aged About 32 Years R/o Vill Kaudiya, Post Dewaribhath, Ps Khairagarh, Dist Rajnandgaon, Cg
2. The Labour Court Rajnandgaon, Dist Rajnandgaon, Cg

---- Respondents

For Petitioners/State
For Respondent No.1

Shri Y. S. Thakur, Dy. AG
Shri Raghvendra Pradhan, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

08/04/2016

1. Challenge in these two writ petitions is to the validity of the awards dated 09.10.2012 and 10.10.2012 passed by the Labour Court, Rajnandgaon, whereby the learned Labour Court directed for reinstatement of the workmen in service without back wages.
2. Since both the writ petitions involve common facts and common question of law, they are being considered and decided by this common order.
3. The workmen filed a statement of claim contending, inter alia that they were appointed as labour in the petitioner's department and they rendered their services till 2007, however, without following due process and without issuing any notice, the workmen have been removed from service in spite of the fact that they have rendered service continuously for a period of more than 240 days in a calendar year.
4. Before the labour Court, the petitioner/State denied the claim of respondent-workmen.
5. On completion of enquiry, the labour Court allowed statement of claim filed by the workmen and directed their reinstatement without back wages.
6. Having heard learned counsel for the parties and on perusal of record, it appears that before the labour Court the State raised a plea that respondent-workmen have never worked with the department, they

were serving under a contractor, who was awarded contract by the department. The workmen have not led any proof that they have worked in the department, which could have been done by producing any order of appointment or payment of wages through the government treasury or pay slip etc. The officer of the department has categorically stated that the system of engaging daily wagers on muster roll has been done away from the year 1996 and there is no record available in the department to show that the workmen have ever been engaged by the department as daily wagers.

7. Since in the present cases there is absolutely no evidence to substantiate the plea of the workmen of having worked as daily wagers in the concerned department of the State Government, the relationship of master and servant or employer and employee between them did not exist and the finding recorded by the labour Court is perverse being wholly contrary to the evidence available on record.
8. For the foregoing, the writ petitions are allowed and the impugned awards passed by the Labour Court are set aside.

Sd/-
JUDGE
PRASHANT KUMAR MISHRA

Nirala