

HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No. 84 of 2014

State Of Chhattisgarh Through Divisional Forest Officer, Rajnandgaon, Distt
Rajnandgaon, Cg

---- Petitioner

Versus

1. Pyarelal S/o Manrakhan Lala Kalar R/o Kalyanpour, Dongargarh, Distt
Rajnandgaon, Cg
2. Presiding Officer, Labour Court, Rajnandgaon, Distt Rajnandgaon, Cg

---- Respondents

Shri Gary Mukhopadhyaya, Dy.G.A. for the State / petitioner.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/09/2016

Heard on admission.

This petition is directed against order dated 28/02/2013 by which the Labour Court directed re-instatement of respondent No.1 / workman.

2. Learned counsel for the petitioner / State assailed the correctness and validity of the order of the Labour Court on the submission that the Labour Court, without there being any clinching and documentary evidence of respondent No.1 having worked for 240 days in one calender year, has held retrenchment illegal on the ground of violation of Section 25 F of the Industrial Disputes Act, 1947 (for short "the Act of 1947").

3. A perusal of the impugned order shows that in order to come to the finding of fact that respondent / workman has worked for 240 days in one calender year, and therefore entitled to protection under Section 25 F of the Act of 1947, reliance has been placed not only on the oral testimony of the workman but also the then Ranger, under whom, the respondent / workman was employed. It is also to be noted that despite repeated opportunities granted, the petitioner / State did not

submit muster roll consisting signature of the respondent / workman to rebut the submission that the name of respondent / workman do not find place. That having not been done, the Labour Court committed no error of law in coming to the conclusion that the respondent / workman did work for 240 days in one calender year, because it is not a case where there is nothing on record to show that the workman worked for 240 days in one calender year. Therefore, I do not find any patent illegality warranting interference by this Court exercising certiorari jurisdiction either under Article 226 or supervisory jurisdiction under Article 227 of the Constitution of India. It is also to be noted that re-instatement has been ordered without backwages.

4. Considering the aforesaid circumstances, this petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge