

HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No. 121 of 2013

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resources, Mahanadi Bhawan, Mantralaya, Raipur C.G.

(The petitioner No.1 was not a party before the learned Labour Court but has been impleaded as petitioner No.1 in the instant petition as the proper course is to implead the State Government through the Secretary of the concerned Department)

2. Water Resources Department Through The Chief Engineer, Mahanadi Godawari Kachhar, District Raipur C.G.
3. The Sub Divisional Officer Watere Recourse Deptt. Sub Division No. 1, Raipur, District Raipur C.G.

---- Petitioner

Versus

1. Tulsiram And Anr. S/o Jhumukram Aged About 34 Years R/o Village Jhanjh, P.S. Rakhi, Tahsil Arang, District Raipur C.G.
2. The Labour Court Raipur District Raipur C.G.

---- Respondent

For Petitioners/State	Shri P.K. Bhaduri, Govt. Advocate
For Respondent No.1	Shri K.P.S. Gandhi, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

15/03/2016

1. The petitioner/State has preferred this writ petition under Article 226/227 of the Constitution of India challenging the award dated 31-7-2012 passed by the Labour Court, Raipur, whereby the

learned Labour Court ordered for reinstatement of the respondent/workman in service without backwages.

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').
3. While deciding the reference, the Labour Court has found that the workman was engaged in the year 1986 and continued to serve in the petitioner department till 1996 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) :

1 (2014) 11 SCC 85

“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.”

5. In view of the settled legal position and considering the facts of the present case, the petitioner has 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

Gowri