

HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No. 126 of 2013

1. State Of Chhattisgarh Through Secretary, Forest Deptt, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, PS Mandir Hasaud, Dist Raipur, Cg
2. The Divisonal Forest Officer Forest Deptt, General Forest Division, Rajnandgaon, PS & Dist Rajnandgaon, Cg
3. The Forest Range Officer Bagnadi Range, PS Bagnadi, Distt Rajnandgaon, Cg
4. The Assistant Forest Range Officer Chhuria Sub Range, Chhuria, PS Chhuria, Distt Rajnandgaon, CG

---- Petitioners

Versus

1. Bhagat Ram Netam S/o Hiraram Netam Aged About 38 Years R/o Village Padetola, Post Bholapur, Ps Chhuria, Dist Rajnandgaon, Cg
2. The Presiding Officer Labour Court, Rajnandgaon, Ps & Distt Rajnandgaon, Cg

---- Respondents

Shri S.P.Kale, Dy.A.G. for the State / petitioner.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/07/2016

Heard on admission.

The petitioner has assailed the correctness and validity of order dated 17/09/2012 passed by the Labour Court by which, the Labour Court has passed an award in favour of the workman directing his reinstatement without back wages.

2. Learned counsel for the petitioner / State submits that the Labour Court exceeded its jurisdiction and committed patent illegality in holding that the respondent is entitled to protection under Section 25 (F) of the Industrial Disputes Act, 1947 (for short 'the Act of 1947'). He submits that the respondent / workman failed to lead any cogent documentary evidence to prove that he worked continuously for 240 days in one calender year. It is submitted that it was the

burden on the workman to prove that he continuously worked for 240 days in one calender year prior to his termination. It is argued that except oral evidence, no other clinching evidence was brought on record and therefore, the award is liable to be interfered with.

3. Finding of the Labour Court that respondent No.1 worked more than 240 days in one calender is essentially a finding of fact. This finding has been recorded by the learned Labour Court upon appreciation of oral evidence led by the worker. The Labour Court has taken into consideration oral evidence of the worker and also the evidence of other witnesses, who have stated that the worker worked continuously from 07/06/2001 to 01/04/2010. Not only this, the employee has also filed documentary evidence to prove that he was engaged in the employment. The finding which has been made by the Labour Court is based on oral and documentary evidence. It, therefore, does not suffer from any patent illegality so as to warrant interference by this Court in exercise of supervisory jurisdiction under Article 227 of the Constitution of India, more so when, re-instatement has been ordered without backwages.

4. Accordingly, this petition is dismissed. Records be remitted to the Labour Court forthwith.

Sd/-

(Manindra Mohan Shrivastava)

Judge