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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4979 of 2015**

Sushil Kumar Sharma s/o Shri Jmuna Prasad Sharma, aged about 49 years, Occupation Mazdoor (Daily Wages) Office of Executive Engineer, Hasdev Barrage, Water Resources Division, Rampur/Korba, R/o Deendayal Housing Board, I-27, District Korba, Chhattisgarh.

----Petitioner**Versus**

1. State of Chhattisgarh, through its Secretary, Deptt. of Water Resources, Mahanadi Bhawan, Naya Mantralaya, New Raipur, Chhattisgarh.
2. Chief Engineer, Minimata (Hasdev) Bango Project, Water Resources Department, Bilaspur, Chhattisgarh.
3. Engineering Administrative Officer O/o Chief Engineer, Minimata (Hasdev) Bango Project, Water Resources Department, Bilaspur, Chhattisgarh.
4. Executive Engineer O/o Executive Engineer, Hasdev Baraj, Water Resources Division, Rampur/Korba, District Korba, Chhattisgarh.
5. Sub Divisional Officer, Hasdev Barrage Water Resources, Sub Division No. 5, Jarve, Pantora, District Janjgir-Champa, Chhattisgarh.

---- Respondents

For Petitioner : Shri Vinod Deshmukh and Shri KPS Gandhi, Advocates.
 For Respondent/State : Shri Dheeraj Wankhede, Government Advocate.

Hon'ble Shri Sanjay K. Agrawal, J.**Order on Board****11/05/2016**

1. The Labour Court, Korba, by its order dated 14.06.2013, declared termination of the petitioner as illegal and improper and directed him to be reinstated in the services without back-wages.
2. The Respondents/State Authorities filed Writ Petition (L) No. 40/2014 (State of Chhattisgarh & others Vs. Sushil Kumar Sharma & another) thereagainst, in which, this Court has dismissed the writ petition on 04.03.2014 and observed as under:-2

“3. In view of above, I do not find any jurisdictional illegality in the order impugned. Therefore, the petition is liable to be and is hereby dismissed being devoid of merit. However, liberty is reserved to the petitioner to take appropriate steps in accordance with law.”

3. Pursuant to the liberty granted by this Court, Respondents/State, by its impugned order dated 23.01.2015, straightaway terminated the petitioner from services by giving one month notice on 28.02.2015

4. Fact remains that the petitioner has been directed to be reinstated by the Labour Court for non-compliance of Section 25-F of the Industrial Disputes Act, 1947 and the writ petition filed by the State Government against that award has already been dismissed with liberty to the respondents/State Authorities to take appropriate steps in accordance with law, it does mean not to follow the procedure prescribed under the law including under the provisions of Industrial Disputes Act and, as such, the impugned award without following the provisions contained in Section 25-F of the Industrial Disputes Act, 1947 deserves to be and is hereby set aside.

5. Accordingly, the writ petition is allowed to the extent indicated above. However, liberty granted to the respondents authorities by this Court in W.P.(L) No. 40/2014 on 4.3.2014 would remain intact.

6. As a consequence of this order, petitioner would be entitled to reinstate as per the award passed by the Labour Court and he is also entitled for the backwages with effect from 28th February, 2015.

Sd/-
(Sanjay K. Agrawal)
JUDGE