

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 760 of 2003**

1. Smt. Veronika Ekka, aged about 36 years, wife of Shri Pratap Ekka, Occupation Ex.Anganbadi Karyakarta, Resident of Ayodhya Nagari, Korba.
2. Smt. Vrinda Mahto, aged about 35 years, W/o Shri K.Pd Mahto, Occupation Ex. Anganbadi Karyakarta, R/o Krishna Nagar Dipka, Post Gevra Project, District Korba (C.G.)

---- Petitioner**Versus**

1. The State of Chhattisgarh, through the Secretary Department of Panchayat and Social Welfare, Mantralaya, D.K.S. Building, Raipur (C.G.)
2. The Project Officer (Pariyojna Adhikari), Integrated Child Development Project Kartala, District Korba (C.G.)
3. The District Woman and Child Development Officer (Zila Mahila Avam Baal Vikas Adhikari), Bilaspur, Tehsil and District Bilaspur (C.G.)
4. The Chief Executive Officer, Janpad Panchayat Kartala, District Bilaspur (C.G.)

---- Respondents

For Petitioners : Mr. Shailendra Dubey, Advocate.
 For State : Mr. Arun Sao, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****05/12/2017**

(1) The Labour Court, by its impugned order dated 2.7.2002, has held that the petitioners are not entitled for any relief, against which instant writ petition has been filed questioning the same.

(2) Learned counsel for the petitioners would submit that reference has been answered by the Labour Court in negative only on the technical ground that statement of claims have not been filed by the petitioners under their own signature and the legality of their termination was also not challenged

properly. He would further submit that the Labour Court could have directed the petitioners to file their duly signed statement of claims.

(3) On the other hand, counsel for the State would support the impugned order.

(4) I have heard learned counsel appearing for the parties and perused the impugned order with utmost circumspection.

(5) Admittedly, the reference has been answered in negative only on the ground that the statement of claims have not been filed by the petitioners under their own signature and the same is also not in accordance with law.

(6) Be that as it may, the Labour Court ought to have given an opportunity to the petitioners to file their statement of claims in accordance with law, which has not been done. Therefore, the impugned order dated 2.7.2002 is set aside. The matter is remitted back to the Labour Court for adjudicating the matter afresh in accordance with law. The petitioners will file their statement of claims in accordance with law within 15 days from today and in turn the same shall be considered and decided by the Labour Court within a further period of three months from its receipt on its own merit in accordance with law. The petitioners are also at liberty to produce the documents to prove their termination to be illegal and they are entitled for relief as claimed.

(7) Record of the Labour Court be sent back forthwith.

(8) The writ petition is allowed to the extent indicated hereinabove.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-