

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (L) No.6210 of 2010

State of Chhattisgarh, Through Executive Engineer, Public Works Department (Building & Road), Government of Chhattisgarh, Rajnandgaon (CG)

---- Petitioner

Versus

Madhur Kumar S/o Vasudeo Sonkar, R/o Sonar Para, near Sheetala Mandir, Ward No.42, Nandai, Rajnandgaon (CG)

---Respondent

For Petitioner	:	Mr.Gary Mukhopadhyay, Dy.G.A.
For Respondent	:	Mr.Anoop Mazumdar, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

17/05/2017

1. The appropriate Government referred the matter to the Labour Court for adjudication as to whether termination of respondent Madhur Kumar is valid and proper and if no, what relief he is entitled. After submission of statement of claim and after recording the evidence, learned Labour Court came to the conclusion that there is no termination of the respondent herein and he is still working as Daily Wager. The Labour Court directed to continue the service of the respondent, against which, this writ petition has been filed by the petitioner.
2. Mr.Gary Mukhopadhyay, learned Deputy Government Advocate appearing for the petitioner, would submit that termination was *sine-quo-non* for answering the reference and once it is held that there is no termination, the Labour Court ought not to have issued direction to the petitioner to continue the service of the respondent/workman.
3. On the other hand, Mr.Anoop Mazumdar, learned counsel for the respondent, would support the impugned order and

submit that he is still working.

4. I have heard learned counsel appearing for the parties and perused the impugned order.
5. The Labour Court has clearly recorded a finding that there is no termination of the respondent and he is still working and since the reference was whether termination of the respondent is valid and proper and once it is found that there is no termination, the Labour Court ought not to have issued any direction to the petitioner.
6. Since finding of the Labour Court is that the respondent is already working, the direction issued by the Labour Court is set aside. The writ petition is allowed in part and it is held that there was no need to issue any direction to the petitioner as the Labour Court has already held that the respondent is already working.
7. With the aforesaid clarification, the writ petition stands disposed of.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-