

P.R. No. 4543/06
Presented by Shri. S. S. Mishra
dated 24/8/06

CF-1002 (1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

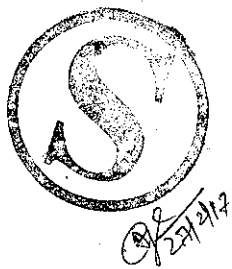
Writ Petition(S) No. 4501 Of 2006

Petitioner: Principal Nirmala Senior Secondary English
Medium School, Dalli Rajhara, District Durg,
Chhattisgarh

VERSUS

Respondent: Babloodas, S/o Sudhirdas,, Resident of Opposite,
CSEB Office, Main Road, Dalli-Rajhara, District
Durg, Chhattisgarh

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA FOR ISSUANCE OF A WRIT OR WRITS IN THE NATURE
OF CERTIORARI, MANDAMUS, ORDER OR ORDERS, DIRECTION
OR DIRECTIONS OR THE LIKE.



80

-1-

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP No. 4501 of 2006

Principal, Nirmala Senior Secondary English Medium School

--- Petitioner

Versus

Babloo Das

---- Respondent

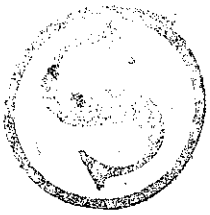
For Petitioner	:	Shri R.S. Marhas, Advocate
For Respondent	:	None appears even in the second round

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/02/2017

1. By this petition, the petitioner has assailed legality and validity of Award dated 3.6.2006 on various grounds.
2. This Court had stayed the Award subject to compliance of Section 17-B of the Industrial Disputes Act, 1947 vide order dated 29.8.2006. There is no material on record to show that the order of payment of last drawn wages was not complied with.
3. It appears that during pendency of the petition, the respondent-employee was terminated on 12.3.2007 which was sought to be challenged by the respondent by filing an interim application (I.A.No.1). The application was however rejected on 19.6.2009. It is not known whether the respondent-employee challenged his termination by any subsequent petition or not.
4. Be that as it may, once the respondent is out of employment by a subsequent termination order which has not shown to have been challenged in any independent proceedings before the Court and the respondent having continued



81

-2-

till 12.3.2007 receiving last wages drawn under an interim order passed by this Court, the issue raised before the Court is now rendered academic, because even if the respondent is entitled to any relief against reinstatement, he having already been terminated, no fruitful purpose would be served. Therefore, this petition is disposed off as having rendered infructuous.

5. It is made clear that whatever has been paid to the respondent- employee by way of last wages drawn in compliance of the provision contained in Section 17-B of the Act under interim order dated 29.8.2006 would not be recovered from him. Moreover, if respondent has already challenged the termination order dated 12.3.2007, the petitioner-Institution is given liberty to revive this petition.

Sd/-
Manindra Mohan Shrivastava
Judge

Praveen