

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.349 of 2003

Chhattisgarh Rajya Van Vikas Naigam Limited, through Regional General Manager, B-7, Sector-II, Devendra Nagar, Raipur, District Raipur (C.G.)

---- Petitioner

Versus

1. The Presiding Officer, Labour Court, Raipur, District Raipur (C.G.)
2. President, Shashkiya Kasthagar Avam Aara Yantralaya Mazdoor Sangh, 25/12, Nehru Nagar (West), Bhilai, District Durg (C.G.)
3. State of Chhattisgarh, Through its Secretary, Department of Forest, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)

---- Respondents

For Petitioner: Mr. B.D. Guru and Mr. Shaleen Singh Baghel,
Advocates.

For Respondents No.1 and 2: -
None present.

For Respondent No.3/State: -
Mr. Dhiraj Kumar Wankhede, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

09/10/2017

1. This writ petition is directed against the award dated 26-3-2002 passed by the Labour Court, Raipur, whereby the Labour Court has directed for reinstatement of six employees namely Ishwariram Yadav, Shankarlal Sinha, Shriram Dhruv, Jhagduram Sahu, Chetan Singh Dhruv and Shrawan Kumar Sahu.
2. Learned counsel for the petitioner submits that Shriram Dhruv had already died on 7-9-2001 and Shankarlal Sinha joined as daily wager in the month of July, 2003 and worked up to June, 2005, thereafter, remained absent unauthorisedly, whereas four other persons namely Ishwariram Yadav, Jhagduram Sahu, Chetan

Singh Dhruv and Shrawan Kumar Sahu, have been reinstated in service as daily wagers on 21-5-2003 and they are still working on the said post. He further submits that the impugned order is unsustainable and bad in law.

3. None present on behalf of the employees.
4. I have heard learned counsel for the petitioner.
5. The Labour Court has categorically recorded specific finding in the impugned award that the said workmen were working in the petitioner's Department right from the year 1984 and they have been terminated from service without giving any retrenchment compensation under Section 25F of the Industrial Disputes Act, 1947 and no notice has been issued and, therefore, their termination is bad in law, and directed reinstatement without back-wages. Even the petitioner's witnesses have deposed before the Court that the petitioner institution is ready and willing to allow the aforesaid employees to continue and the institution is in need of employees.
6. Since the services of the aforesaid workmen have been terminated in violation of Section 25F of the Industrial Disputes Act, 1947, which is established on record, I do not find any illegality in the finding recorded by the learned Presiding Officer of the Labour Court that the order of termination is in violation of Section 25F of the Industrial Disputes Act, 1947. Since the workmen were daily wagers and working on daily wage basis and from the date of termination to the date of reinstatement they have not worked anywhere, particularly in view of the fact that the Labour Court had not made enquiry and found that they were not gainfully employed

anywhere during the period of their termination, I deem it appropriate to set aside the part of the impugned award to the extent of granting back-wages.

7. For the foregoing reasons, the writ petition is allowed in part. The order of reinstatement is held to be valid, whereas the order directing back-wages is set aside. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma