

HIGH COURT OF CHHATTISGARH, BILASPUR**WP No.175 of 2001**

- 1.** Archna Meshram / Laxman Meshram
- 2.** Rukama Bai / Moti Ram Valde
- 3.** Suryakanta / Mohan Lautra
- 4.** Sailesh Bai / Sukhdev Lautra
- 5.** Prabha Bai / Puran Das Chandrikapure
- 6.** Amrita Bai / Gambhir Temburker
- 7.** Yashoda Bai / Dhanraj Nandeshwar
- 8.** Sugandha Bai / Dukalu Nandeshwar
- 9.** Chandrika Bai / Jiya Lal Uke
- 10.** Gaja Bai / Tara Chand Sahare
- 11.** Ranjana Bai / Anand Sahare
- 12.** Najuka Bai / Brijlal Gajbhiya
- 13.** Mathura Bai / Nathu Ram Sahare
- 14.** Kiran Bai / Tilak Jamulkar
- 15.** Kalpana Bai / Kailash Sahare
- 16.** Tejram / Prem Lal Temburker
- 17.** Meera Bai / Ashok Ambade
- 18.** Ranjana Bai / Bhaudas Sahare
- 19.** Yamuna Bai / Haguru Sahare
- 20.** Vimbala Bai / Indu Ramteke
- 21.** Hayabi / Kutubiddin Musalman
- 22.** Anita Bai / Ishwar Das Temburker
- 23.** Pushpa Bai / Vishal Yadav
- 24.** Prabha Bai / Hari Meshram
- 25.** Panchphula/Hibak Ambade
- 26.** Kala Bai / Rajendra Bhawe
- 27.** Ratna Bai Nandeshwar
- 28.** Anjula Bai / Tirthraj Jogi

All C/o Archana Meshram Kalka Para, Ward No.8, Post & Teh.
Dongargarh, Distt. Rajnandgaon (MP) (CG)

----- Petitioners

Versus

- 1.** Rajendra Ku. Patel S/o Late Natwar Bhai Patel, M/s Durga Tobacco Product, Solhapur, Post & Tehsil-Dongargarh, District-Rajnandgaon (CG)
- 2.** The Labour Court, Rajnandgaon (M.P.) (C.G.)
- 3.** M/s. Rajendra Kumar N. Patel, Through Smt. Darshan Ben Patel, Ward No.1, Near Girls School, Dongargarh, Distt.Rajnandgaon (CG)
- 4.** M/s Prakash Tobacco Products through Mr. Prakash Bhai Patel Ward No.1 Near Girls School, Solhapara, Dongargarh, Distt. Rajnandgaon (CG)
- 5.** Prakash Bhai Patel, Ward No.1, Near Girls School, Solhapara, Dongargarh, Distt. Rajnandgaon (CG)

----- Respondents

For Petitioners	:	Mr.Anand Dadriya, Advocate
For Respondent No.1	:	Mr.Alok Bakshi, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

18/09/2017

1. The petitioners raised an industrial dispute under the Industrial Dispute Act, 1947, which was ultimately referred to an appropriate Government to decide as to whether dismissal of 116 bidi-workers was valid and proper and if no, what instructions should be given to the employer. The Labour Court by its order dated 18.8.2000 directed reinstatement of 38 workers with no back wages, however, rejected the claim of 78 workers finding relationship of employer and employee is not established. Feeling aggrieved against non-grant of back wages, this writ petition has been filed by the petitioners herein.
2. Learned counsel for the petitioners would submit that the petitioners are entitled for back wages, but they have wrongly been denied by the Labour Court.
3. On the other hand, learned counsel for respondent No.1 would submit that except petitioner No.1-Archna Meshram and petitioner No.24-Prabha Bai other petitioners have not entered into witness box to state that they were not gainfully employed during the period they were not allowed to work.

- 4.** I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.
- 5.** It is true that except petitioner No.1-Archna Meshram and petitioner No.24-Prabha Bai other petitioners did not enter into witness box to state that they were not gainfully employed during the period they were not allowed to work. Even the Labour Court has clearly held that they have not categorically stated that they were not gainfully employed, therefore, they were not entitled for back wages. The Labour Court has assigned valid and sufficient reasons in denying back wages to the petitioners, in which I do not find any jurisdictional error. The petitioners were required to come to the witness box and clearly plead and prove that they were not gainfully employed during the period they were terminated, which they have not done.
- 6.** Accordingly, the writ petition deserves to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-