

HIGH COURT OF CHHATTISGARH, BILASPUR**WP No.4954 of 2004**

1. State of Chhattisgarh, through the Executive Engineer, Water Resources Division, Raigarh (CG)
2. Chief Engineer, Water Resources Department, Hasdeo Kachhar, Bilaspur (CG)
3. The Sub Divisional Officer, Water Resources Sub Division, Baramkela, Distt. Raigarh (CG)

---- Petitioners

Versus

1. Hiralal, S/o Raghu Panika, R/o Village & Post Office Risora, Tahsil Saranggarh, District Raigarh (CG)
2. Industrial Court, Chhattisgarh, Raipur (CG)

---- Respondents

For Petitioners	:	Mr.P.K.Bhaduri, Govt.Advocate
For Respondent No.1	:	Mr.Vinod Deshmukh, Advocate

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

1. Respondent No.1/Workman filed an application under Section 31(3) of the Chhattisgarh Industrial Relations Act, 1960 before the Labour Court, Raigarh stating inter-alia that he has worked with the Irrigation Department since 1974-75 and his services have been terminated in July, 1996 without complying with the provisions contained in Section 25F of the Industrial Disputes Act, 1947 (hereinafter called as 'ID Act'). The Labour Court by its order dated 19.9.2002 (Annexure P/6) rejected the application finding no merit and holding that respondent No.1 has failed to establish that he has worked 240 days in one calendar year. Feeling aggrieved against the order passed by the Labour Court, respondent No.1 preferred an appeal before the Industrial Court, Raipur. The Industrial Court by the

impugned order allowed the appeal filed by respondent No.1 and directed for reinstatement without back wages, against which, this writ petition has been filed by the petitioners/State.

2. Mr.P.K.Bhaduri, learned Government Advocate appearing for the petitioners/State, would submit that the Industrial Court has committed legal error in reversing the finding of fact recorded by the Labour Court, which was based on record and as such, the impugned order passed by the Industrial Court is liable to be set aside.
3. Mr.Vinod Deshmukh, learned counsel appearing for respondent No.1, would support the impugned order and submit that respondent No.1 has established that he has worked 240 days in one calendar year and he has been terminated without complying with the provisions contained in Section 25F of the ID Act.
4. I have heard learned counsel appearing for the parties, considered their rival submissions made herein-above and also gone through the records with utmost circumspection.
5. Respondent No.1 in his application has clearly stated that he has worked with the petitioner's Department for continuously 21 years from 1974-75 and his services have been terminated w.e.f. July, 1996 without assigning any reason and without complying with the provisions contained in Section 25F of the ID Act. In statement before the Labour Court, he has made similar statement on oath, whereas before the Labour Court,

Mr.C.Khakha, Sub Divisional Officer, Irrigation Department, Baramkela has been examined, in which he has simply stated that he is not aware if respondent No.1 has worked from 1974-75 to June, 1996 and as such, the petitioner's statement that he has worked from 1974-75 to June, 1996 is uncontroverted with the Department of Irrigation. There is no evidence on record to hold that he has not worked for the said period and there is uncontroverted evidence that respondent No.1 has worked from 1974-75 to June, 1996 continuously and his services have been terminated without complying with the provisions contained in Section 25F of the ID Act. Therefore, the finding recorded by the Industrial Court is strictly in accordance with law. I do not find any merit in this writ petition.

- 6.** Accordingly, the writ petition being without substance is liable to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-