



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP No. 1771 of 2006

1. The State of Chhattisgarh through Secretary, Public Works Department, Mantralaya Bhawan, Raipur, CG
2. Executive Engineer, Public Works Department, Post Khairagarh, District Rajnandgaon, CG

---- Petitioners

Versus

1. Nolendra Singh Baghel S/o Nilam Singh, Near Raj Family Shiv Mandir, Post Khairagarh, District Rajnandgaon, CG
2. Presiding Officer, Industrial Court, Raipur, CG
3. Presiding Officer, Labour Court, Rajnandgaon

----- Respondents

For Petitioners : Shri Adhiraj Surana, Dy. GA
For Respondent No.1 : Shri Vinod Deshmukh, Advocate

Hon'ble Shri Justice Pritinker Diwaker

Order on Board

24/01/2017

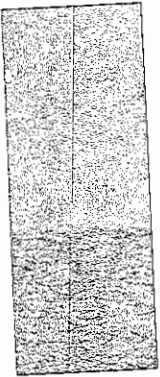
On 8.10.1998 Respondent No.1 - Nolendra Singh Baghel filed an application (Annexure P-2) before the Labour Court, Rajnandgaon under Section 31 (3) of the Industrial Relation Act 1960 (for short "the Act of 1960") pleading therein that on 16.9.1976 he was appointed as peon under disabled quota and as such in view of the circular issued by the State Government in January 1990 he was entitled for regularization. It is pleaded by respondent No.1 that looking to his past service record, his case for regularization was forwarded by



the Superintending Engineer vide letter dated 10.11.1993 referring to the circular dated 9.1.1990 but instead of considering his case, the persons junior to him were regularized. Evidence was also led by respondent No.1. Vide order dated 2.3.2001 the Labour Court partly allowed the application of respondent No.1 but declined to grant the relief of classification as peon under disabled quota because respondent No.1 did not succeed in proving his case to that extent. The Labour Court however directed the petitioners herein to consider the case of respondent No.1 keeping in mind their recommendations to regularize the peon appointed under the disabled quota, and submit the report within a period of 45 days therefrom.

2. Aggrieved by this order of the Labour Court, respondent No.1 preferred an appeal under Section 65 of the Act of 1960 where the Industrial Court has granted the relief sought for by respondent No.1 making it effective two years prior to 8.10.1998. It is this order of the Industrial Court which has been assailed by the petitioners in this petition under Article 227 of the Constitution of India.

3. Counsel for the petitioners/State submits that respondent No.1 was merely a casual labour and he was never appointed as peon under the disabled quota and that his assignment was purely temporary. Replying to this contention of the counsel for the State, it has been argued by the counsel for respondent No.1 that though the Labour Court declined to



classify respondent No.1 as peon under disabled quota, it had directed the State authorities to consider his case in terms of their recommendations and submit the report. He further submits that after considering all the aspects of the case the Industrial Court has set aside the order of the Labour Court and granted the relief of classification to respondent No.1 as peon under the disabled quota. Counsel for respondent No.1 thus submits that the well-reasoned finding recorded by the Industrial Court being strictly in accordance with law cannot be interfered with in this petition.

4. Having thus heard counsel for the parties; perused the documents on record and considered the fact that there is a well-reasoned finding recorded by the Industrial Court which is based on appreciation of the documents on record, and further that this petition was filed in the year 2006 and no interim relief has been granted in favour of the State, this Court does not see any reason to dislodge the order impugned granting relief to respondent No.1 herein who happens to be a poor handicapped lowly paid employee.

5. Petition thus has no merit and being so it is hereby dismissed. Order impugned to remain undisturbed.

Sd/-
Pritinker Diwaker
Judge