

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (L) No.7632 of 2006**

State of Chhattisgarh through Divisional Forest Officer, Forest Division, Kawardha, District Kawardha (CG).

**-----Petitioner**

**Versus**

Sayed Ashik Ali, S/o Sayed Riyajat Ali, resident of Ward No.7, Kawardha, District Kawardha (CG).

**---- Respondent**

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| For Petitioner | : | Shri Ashish Surana, Panel Lawyer.                                      |
| For Respondent | : | Shri HB Agrawal, Sr. Advocate along with Smt. Meera Jaiswal, Advocate. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order On Board**

**28/04/2017**

1. Challenge in this petition, filed under Article 227 of the Constitution of India, is the award dated 28.06.2006 (Annexure P/1) passed by the Labour Court, Rajnandgaon, in case No.92/ID Act Ref./2004.
2. The relevant facts of the case is that the respondent-workmen was working as daily wage worker with the petitioner since 01.01.1989 against sanctioned vacant post of Chowkidar. He continued to work in the department as Chowkidar up till 18.02.2000 on which date the petitioner-employer discontinued the services of the respondent-worker.
3. The workmen immediately raised a dispute under the provisions of Industrial Disputes Act, 1947 (in short, the ID Act) and the matter was referred to the Labour Court, Durg, vide order dated 24.09.2003 with

the following directions of reference:

“Whether the retrenchment of the applicant Syed Ashik Ali S/o Syed Riyajat Ali, after due payment of retrenchment compensation and other payable dues under the provisions of Section 25-F of the ID Act by the non-applicant is illegal? If yes, what direction should be granted to the non-applicant?

4. Either parties to the dispute entered appearance before the Labour Court and filed their respective statement of claim and written submission and after the pleadings were complete and evidence were recorded, the Labour Court vide impugned order dated 28.06.2006 answered the reference in the affirmative holding that discontinuance of service of the respondent-worker was in violation of the provisions of Section 25-F of the ID Act and as such it amounted to illegal termination. Accordingly, the Labour Court quashed the alleged action of illegal discontinuance/ termination of the respondent-worker and passed an award of reinstatement with 50 percent backwages to the respondent-worker.
5. The present writ petition was filed as early as in the year, 2006 and in the pleadings to the writ petition itself, the petitioner-State Government has accepted the fact that as per the statutory requirement of Section 17-B of the ID Act, the respondent-worker has been reinstated in service.
6. Pending the petition before this court, the petitioner State has vide order dated 29.08.2008 (Annexure R/1 with the writ petition) have regularized the services of the respondent-worker and have been

granted employment on regular pay scale and the respondent had also joined in service and since then continuously discharging his duties as a regular employee.

7. In view of the subsequent development which has transpired particularly the fact that the respondent-worker has been regularized in service and even after regularization of service, the respondent has put in about almost a decade of service. Hence, this court, at this juncture and at this age of the respondent-worker, is not inclined to interfere with the award of the Labour Court on its merit.
8. The present writ petition is a petition under Section 227 of the Constitution of India wherein the jurisdiction, which lies upon this court, is only that of supervisory jurisdiction. While exercising the supervisory jurisdiction all that this court has to see is whether the court below, in the course of deciding the matter, was fully competent to decide the dispute. Further, whether in the course of deciding dispute, he has crossed his limits or his jurisdiction or there is a perverse finding of facts. In the absence of any evidence so far as lack of competence, lack of jurisdiction and also there been no sufficient proof or material to show that finding is perverse finding, the power to interfere with the award of the Labour Court gets minimal.
9. It is settled position of law that while exercising the supervisory jurisdiction, this court would not substitute itself as an appellate authority and would conduct a threadbare examination of the evidence which have come on record. Neither would this court

conduct a roving inquiry on the entire factual matrix of the case and try to reach to a different conclusion.

10. In view of the aforesaid facts and circumstances of the case, and also keeping in view the fact that respondent has already been regularized by the petitioner-State Govt. during pendency of the present writ petition and that the respondent having put in almost a decade of service after regularization, this court is not inclined to interfere with the impugned award.
11. As a consequence, the writ petition filed by the State-employer fails and is accordingly dismissed. No order as to costs.

Sd/-  
(P. Sam Koshy)  
**Judge**