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HIGH COURT OF CHHATTISGARH, BILASPUR**WP (L) No.158 of 2016**

1. State of Chhattisgarh through its Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (CG)
2. Divisional Forest Officer, General Forest Division, Rajnandgaon, District Rajnandgaon (CG)

---- Petitioners**Versus**

Kamlesh Kumar S/o Punuram Sen, R/o. Village Chirchari,
Police Station Bagnadi, Tahseel & District Rajnandgaon (CG)

---- Respondent**WP (L) No.162 of 2016**

1. State of Chhattisgarh through its Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (CG)
2. Divisional Forest Officer, General Forest Division, Rajnandgaon, District Rajnandgaon (CG)

---- Petitioners**Versus**

Mithilesh Sahu, S/o Sewadas Sahu, R/o Village
Charbhantha, Police Station Bagnadi, Tahsil Dongargarh,
District Rajnandgaon (CG)

---- Respondent**WP (L) No.161 of 2016**

1. State of Chhattisgarh through its Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (CG)
2. Forest Divisional Officer, General Forest Division, Rajnandgaon, District Rajnandgaon (CG)

---- Petitioners**Versus**

Narendra Sahu S/o Luduram Sahu, R/o Village Charbhanta,
Police Station Bagnadi, Tahsil Dongargarh, District
Rajnandgaon (CG)

---- Respondent

WP (L) No.160 of 2016

1. State of Chhattisgarh through its Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (CG)
2. Divisional Forest Officer, General Forest Division, Rajnandgaon, District Rajnandgaon (CG)

---- Petitioners**Versus**

Venkateshwar Sahu, S/o Devadas, R/o Village Charbhantha, Police Station Bag Nadi, Tahsil Dongargarh, District Rajnandgaon (CG)

---- Respondent**WP (L) No.167 of 2016**

1. State of Chhattisgarh through its Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (CG)
2. Divisional Forest Officer, General Forest Division, Rajnandgaon, District Rajnandgaon (CG)

---- Petitioners**Versus**

Santosh Kumar Patel, S/o Khorbahra Patel, R/o Village Bharritola, Police Station Bagnadi, Tahsil & District Rajnandgaon (CG)

---- Respondent**WP (L) No.170 of 2016**

1. State of Chhattisgarh through its Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (CG)
2. Divisional Forest Officer, General Forest Division, Rajnandgaon, District Rajnandgaon (CG)

---- Petitioners**Versus**

Vishram S/o Samaruram, R/o Village Bharritola, Police Station Bagnadi, Tahsil & District Rajnandgaon (CG)

---- Respondent**WP (L) No.176 of 2016**

1. State of Chhattisgarh through its Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (CG)

2. Divisional Forest Officer, General Forest Division, Rajnandgaon, District Rajnandgaon (CG)

---- Petitioners

Versus

Rajkumar S/o Gaitram, R/o Village Charbhantha, Police Station Bagnadi, Tahsil Dongargarh, District Rajnandgaon (CG)

---- Respondent

WP (L) No.174 of 2016

1. State of Chhattisgarh through its Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (CG)
2. Divisional Forest Officer, General Forest Division, Rajnandgaon, District Rajnandgaon (CG)

---- Petitioners

Versus

Rajkumar S/o Jethuram Nishad, R/o Village Chirchari, Police Station Bagnadi, Tahseel & District Rajnandgaon (CG)

---- Respondent

WP (L) No.175 of 2016

1. State of Chhattisgarh through its Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (CG)
2. Divisional Forest Officer, General Forest Division, Rajnandgaon, District Rajnandgaon (CG)

---- Petitioners

Versus

Surajbhan, S/o Nanduram Arkara, R/o Village Chirchari, Police Station Bagnadi, Tahseel & District Rajnandgaon (CG)

---- Respondent

WP (L) No.169 of 2016

1. State of Chhattisgarh through its Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (CG)
2. Divisional Forest Officer, General Forest Division, Rajnandgaon, District Rajnandgaon (CG)

---- Petitioners

Versus

Ashwini Kumar S/o Manrakhan Lal, R/o Village Bharritola,

Police Station Bagnadi, Tahseel & District Rajnandgaon (CG)

---- Respondent

And

WP (L) No.173 of 2016

1. State of Chhattisgarh through its Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (CG)
2. Divisional Forest Officer, General Forest Division, Rajnandgaon, District Rajnandgaon (CG)

---- Petitioners

Versus

Rameshwar Sahu S/o Buturam, R/o Village Chirchari, Police Station Bagnadi, Tahseel & District Rajnandgaon (CG)

---- Respondent

For Petitioners	: Mr.Arun Sao, Dy.A.G.
For Respondents	: Mr.Atanu Ghosh, Advocate in all cases.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

22/06/2017

1. Since all the writ petitions involve common question of law and facts, they are being heard together and decided by this common order.
2. These batch of writ petitions are directed against the order dated 24.6.2013 passed by the Presiding Officer, Labour Court, Rajnandgaon by which the applications under Section 33-C (2) of the Industrial Disputes Act, 1947 (hereinafter called as 'Act of 1947') have been granted directing payment of regular wages from June, 2008 to April, 2011.
3. Mr.Arun Sao, learned Deputy Advocate General appearing for the petitioners/State, would submit the State was not

afforded sufficient and proper opportunity to oppose the applications and the respondents-workmen have not established that they are entitled for wages from June, 2008 to April, 2011 as they have been regularized w.e.f.19.5.2011, therefore, the amount which has been directed to be paid is liable to be set aside. He would further submit that no reasonable opportunity was afforded to the State before granting the applications under Section 33-C (2) of the Act of 1947 and huge amount has been directed to be paid to the respondents-workmen. He would also submit that there was no reason not to appear upon notice before the Labour Court, Rajnandgaon to contest the said applications.

4. On the other hand, Mr.Atanu Ghosh, learned counsel for the respondents-workmen, would submit that the State and its authorities remained absent despite notice as the applications were not opposed. He would further submit that applications have been granted directing payment of wages.
5. I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.
6. It is not in dispute that the award was passed by the Labour Court, Rajnandgaon directing regularization of the respondents by order dated 13.2.2008. That order was challenged by the State in WP (L) No.3691 of 2009, in the meanwhile on 19.5.2011 services of the respondents were regularized by the State Government and that writ petition against the award of the Labour Court was disposed of on the ground that services of the respondents were regularized by the State Government on the basis of circular dated 5.3.2008 and thereafter, the respondents-workmen made applications for payment of wages from June, 2008 to April,

2011. Applications have been allowed *ex-parte* holding that the State remained absent despite notice.

7. After hearing learned counsel appearing for the parties and after taking into account that sufficient cause has been shown for not appearing when the case was called out for hearing and also taking into account that grant of applications for payment of wages the State is required to pay huge public money to workmen and orders have been passed *ex-parte* and it has been decided on merits, I deem it appropriate to set aside the impugned orders.
8. It is ordered accordingly. Applications under Section 33-C (2) of the Act of 1947 are restored to the original file of the Labour Court, Rajnandgaon for hearing and disposal in accordance with law after hearing both the parties. The State is free to file reply. The respondents-workmen are also free to file additional statement. Upon due enquiry, the said applications will be considered and decided within a period of three months from the date of receipt of copy of this order.
9. The writ petitions are allowed to the extent indicated hereinabove. No order as to cost(s).

Sd/-

(Sanjay K Agrawal)
Judge

B/-