

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No. 2707 of 2006

Ram Vilas, S/o Balad Ram Sahu, R/o Village Semariya, Post & Tahsil Kasdol, District Raipur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Water Resources Department, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. Executive Engineer, Water Resources Department, Civil Lines, Raipur, District Raipur (C.G.)
3. Sub Divisional Officer, Balamdehi Avam Kantra Survey, Sub Division Kasdol, Post & Tahsil Kasdol, District Raipur (C.G.)
4. Industrial Court, Through its Chaiman, Ghadi Chowk, Raipur, District Raipur (C.G.)

---- Respondents

For Petitioner	:	Mr. Vinod Deshmukh, Advocate.
For State/Respondents	:	Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

19/02/2018

1. The petitioner filed an application under Section 31(3) read with Section 61 of the Chhattisgarh Industrial Relations Act, 1960. That application was allowed by the learned Labour Court holding that the petitioner was worked for 240 days in one calendar year and directed for reinstatement of the petitioner without back wages, against which the State had preferred an appeal before the Industrial Court and the said Court by its impugned order, allowed the appeal and set aside the order of Labour Court against which this writ petition has been preferred.
2. Learned counsel for the petitioner would submit that the State did not

lead any evidence before the Labour Court in rebuttal of the evidence given by the petitioner, therefore, the Industrial Court is absolutely unjustified in setting aside the order of the Labour Court.

3. On the other hand, learned State counsel would support the impugned order.
4. I have heard learned counsel for the parties considered the rival submissions and gone through the record with utmost circumspection.
5. It is not in dispute that respondents No. 2 & 3 did not lead any evidence in support of their case that the petitioner did not work for 240 days in one calendar year, whereas, the Labour Court has specifically recorded finding that the petitioner has worked continuously for 240 days in one calendar year and finding non-compliance of provision contained in section 25 (f) of the Industrial Dispute Act granted reinstatement which could not have interfered by the Industrial Court for want of rebuttal evidence by the State authorities as the finding of fact recorded by the Labour Court is based on evidence which is binding. In view of the above, Industrial Court is absolutely unjustified in interfering with the finding of fact recorded by the labour Court.
6. Accordingly, the writ petition is allowed. The order of Industrial Court is set aside and the order of Labour Court is hereby restored. No cost.

Sd/-
(Sanjay K. Agrawal)
Judge