

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 541 of 2016

- Prantadhyaksha Chhattisgarh Sahakari Dainik Vetan Bhogi Karyabharit Evam Sharamik Karmachari Sangh, Chhattisgarh Sadar Bazaar, Raipur Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through Chief Engineer, Mahanadi Godavari Kachar, Shankar Nagar, Raipur Chhattisgarh, Chhattisgarh

---- Respondent

For Appellant	:	Mr. Vaibhav Shukla, Advocate with Mr. C. Prasad, Advocate
For Respondent	:	Mr. A.S.Kachhawaha, Additional Advocate General

Hon'ble Shri Ajay Kumar Tripathi, CJ
Hon'ble Shri Parth Prateem Sahu,J

Order on Board

Per Ajay Kumar Tripathi, CJ

06/10/2018

1. Heard learned counsel for the appellant as well as learned Additional Advocate General for the respondent State.
2. Against the award passed by the Labour Court, Raipur granting benefit of regularization w.e.f. 8.1.1988 with entire arrears of salary, a writ application has been preferred by the respondent-State. The year 1988 being significant in the sense that other similarly situated workmen were regularized and the workman namely Shri Kishan Lal Paraskar, having been left out.
3. Learned Single Judge did not interfere with the order of regularization in particular, however, it interfered with the award and modified it to the

extent that instead of 8.1.1988, the workman would be entitled for benefits of regularization w.e.f. 16.5.2006, the date on which award was made.

4. In the normal course we would have surely not interfered with the order of the learned Single Judge especially when there is also a finding that there is a long lapse of fourteen years on behalf of the workman to raise the industrial dispute after the so-called discrimination happened on 8.1.1988. If such a delay had not been caused then the right of the workman to be regularized along with similarly situated workmen, especially when the discrimination *prima facie* was found to have been practised, could not be said to have been a bad order or award.
5. However, since the workman cannot be rewarded for his own lapses and delay of fourteen years, we are inclined to give a direction that the benefits of regularization will accrue to the workman from the date he moved the Labour Court in the year 2002 instead of the award dated 16.5.2006 because any delay which may have been caused in adjudication of the cause, which has been found by the labour Court to be valid, cannot be used against a litigant in grant of relief.
6. The writ appeal therefore stands disposed off with a direction that the benefits of regularization will accrue to the workman namely Kishan Lal Paraskar from the date of Reference No.48/I.D. Act. Ref./2002.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-