

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (L) No. 7202 of 2008**

1. Chintamani Singh Son of Shri Tribhuvan Singh
2. Rajendra Prasad Mishra S/o Shri Kamla Prasad Mishra
3. Dhelu Ram Mandavi S/o Shri Ramulal Mandavi
4. Ramdas Patel S/o Shri Milap Ram Patel
5. Dilip Ram S/o Shri Budhram Nirmalkar
6. Biiselal Patel S/o Shri Guhari Ram Patel
7. Punu Ram Gond S/o Shri Raghu Prasad Patel
8. Siyaram Yadav S/o Shri Ghasia Ram Yadav
9. Lalchand Verma S/o Shri Tullu Ram Verma
10. Bharat Ram Chandravanshi S/o Anand Ram Chandravanshi
11. Santosh Baghel S/o Shri Narayan Singh
12. Tarun Singh S/o Shri Narayan Singh
13. Kapurchandra Chandravanshi S/o Shri Dayaram Chandravanshi
14. Dwarika Verma S/o Shri Lathkor Verma
15. Johar Ram Verma S/o Shri Damru Ram Verma
16. Tijuram Patel S/o Shri Tegi Ram Patel

All care of Shri Rajendra Prasad Mishra S/o Shri Kamla Prasad Mishra,  
R/o Misicha Bara, Kalka Para, Dongargarh, District Rajnandgaon (CG)

**---- Petitioners**

**Versus**

1. President, Maa Bamleshwari Trust Samitee, Dongargarh, District Rajnandgaon, CG
2. Rajesh Yadav S/o Prem Singh Yadav
3. Chhabilal Yadav S/o Sukhlal Yadav
4. Santosh Tiwari S/o Ramkumar

All R/o Misicha Bara, Ward No.7, Kalka Para, Dongargarh, District Rajnandgaon (CG)

**---- Respondents**

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For Petitioners : Shri Alok Bakshi, Advocate

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**Hon'ble Shri Justice P. Sam Koshy**  
**Order On Board**

**08/01/2018**

The challenge in the present writ petition is to the award dated 07.05.2007 passed by the Labour Court, Rajnandgaon in Case No.01/I.D. Act/2001(Ref.).

2. The State Govt. had vide order dated 30.12.2000 made a reference to the Labour Court, Rajnandgaon for adjudication of the following terms of reference:

“Whether the termination of service of Chintamani Singh and 18 other workers (in the enclosed list) was proper, legal and justified? If not, to what relief they are entitled for and what directions in this regard could be issued to the employer?”

3. The learned Labour Court had initially vide order dated 09.06.2003 held that the preliminary enquiry conducted before termination of the services of the petitioners to be bad in law and directed the parties to lead evidence on merits. This order dated 09.06.2003 was challenged in a writ petition filed before this Court in WP No. 2093 of 2003 which ultimately was withdrawn by the Management with liberty to raise the grounds in case the finding of the Labour Court goes against the Management. Subsequently, the matter was heard by the Labour Court. After considering the evidence which has come on record on either side, the Labour Court finally vide the impugned award answered the reference in negative holding that respondent no.1 was not an industry as defined under the provisions of the Industrial Disputes Act as the respondent no.1 was a trust managed establishment where the entire activity was a charitable activity. Thus, the provisions of the Industrial Disputes Act would not be applicable. Accordingly, it was held by the Labour Court that the petitioners herein i.e. the workers before the Labour Court would not fall within

the definition of workmen under Section 2(s) of the Industrial Disputes Act and the entire claim of the workers stood rejected.

4. It is this award which is under challenge in the present writ petition.

5. On a query being put to the learned counsel for the petitioners, he fairly admits the fact that the petitioners involved in the present case were all engaged in the temple and their place of posting was also in the premises of the temple itself. The only contention which the counsel for the petitioners raises is that respondent no.1 Trust, in fact, has certain establishments like hotel, rental properties etc. from which they are earning income and as such respondent no.1 would fall within the definition of an industrial establishment as defined under the Provisions of the Industrial Disputes Act.

6. However, a perusal of the record would show that the workers involved in the instant case have not been able to lead any evidence in this regard to show that respondent no.1 Trust had any such commercial establishment operating anywhere. Neither is there any evidence which could substantiate the contention of the counsel for the petitioners to bring respondent no.1 within the ambit of an Industrial Establishment or undertaking as defined under Section 2(ka) of Industrial Disputes Act. On the contrary, there is an admission on the part of the petitioners herein that they were all engaged to work within the temple premises itself.

7. In the given facts and circumstances of the case, this Court does not find any illegality committed on the part of the Labour Court in holding that respondent no.1 would not fall within the definition of Industrial Establishment or undertaking and in the absence of which, the petitioners herein also would not fall within the definition of workmen as defined under Section 2(s) of the Industrial Disputes Act.

**8.** This Court does not find any scope of interference with the impugned award passed by the Labour Court. The petition thus fails and is accordingly dismissed.

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