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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPL No. 2650 of 2007**

Chief Municipal Officer, Nagar Panchayat, Gandai, District
Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. Smt. Gayatribai Rajput, D/o. Late Pitambar Singh, Aged about 33 years, R/o. Musalman Mohalla, Near Maszid, Ward No.9, Gandai, Block Chuikhadan, District Rajnandgaon, Chhattisgarh
2. The Presiding Officer, Labour Court, Rajnandgaon, District Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Utsav Mahiswar, Advocate under instructions of Mr. P.R. Patankar, Adv.
For Respondent No.1	:	Mr. K.K. Dewangan, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13/02/2018**

1. The present writ petition has been filed assailing the award passed by the Labour Court on 06.09.2006, whereby the Labour Court has granted a relief of reinstatement with 50% back-wages. The said award was an exparte award.
2. Against the said award, the petitioner had preferred an application for setting aside of the exparte award, which also stood rejected on 04.04.2007.
3. The present writ petition was filed assailing both these orders in April, 2007. This Court on hearing the petition on admission on 02.05.2007 had issued notices to the respondents and further on the application for grant of stay had ordered for stay of back-wages portion, which has been awarded.
4. It is settled position of law that when an employer prefers a petition challenging the order of reinstatement before an higher Court, the provisions of Section 17B of the Industrial Dispute Act is mandatorily

to be complied with. This Court on 16.01.2018 had granted time to the petitioner to verify and intimate whether the petitioner has taken any step towards the compliance of Section 17B of the Industrial Dispute Act or not? The petitioner failed to provide any information in this regard, when the matter was listed on 17.01.2018 and again on 18.01.2018. Thereafter the matter was adjourned again for the same purpose for 17.02.2018. On which date also the petitioner was unable to show whether they have been able to show compliance of Section 17B of the Industrial Dispute Act.

5. It is noteworthy to mention that on 18.01.2018, this Court had also granted time to the petitioner to show their bonafides by taking fresh steps towards compliance of section 17B of the Industrial Dispute Act. Even then, when the matter is called today, the counsel for the petitioner expresses his inability to show the compliance part as is required under Section 17B of the Industrial Dispute Act.
6. The said conduct on the part of the petitioner itself shows an act of highhandedness on the part of the petitioner in not even complying with the statutory provisions of law and further not paying any heed to the directives given by this Court, when the petition is taken up for hearing.
7. Under the circumstances, this Court is inclined to dismiss the petition at this juncture without entering into the merits of the case only on the ground of non-compliance of the provisions of Section 17B of the Industrial Dispute Act.
8. The writ petition thus stands dismissed.

Sd/-
(P. Sam Koshy)
Judge