

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPL NO.4160 of 2010**

1. Anjor Das Mahant S/o Late Thanedas Mahant, age about 30 years, Village-Nawapara, Amora, Post-Gopal Nagar, Teh-Akaltara, Distt.-Janjgir-Champa (CG)
2. Tankeshwar Singh S/o Sukh Sagar R/o Dalha, Podi, Teh.-Akaltara, Distt. Janjgir-Champa (CG)
3. Suresh Dewangan S/o Tiharu Ram Dewangan, R/o Chhurikala Post-Chhuri, Teh-Katghora, Distt.-Korba (CG)

----Petitioners**Versus**

1. State of C.G. Through-Secretary Labour Deptt., D.K.S. Bhawan, Raipur (CG)
2. Assistant Labour Commissioner, Bilaspur, Distt. Bilaspur (CG)
3. J.K. Trust Senior Programmer Co-Ordinator J.K. Trust Raymond Ambroya Research Centre Gopal Nagar, Janjgir-Champa (CG)
4. J.K.Trust Through-R.P. MSK Chandrakar E-1, 20/7, Sect.-7, New Rajendra Nagar Post-Ravigram, Raipur (CG)
5. Secretary, J.K. Trust Dr.Shyam Jhawar, Pakharan Road No.1 J.K. Ram Thand (M.H.) 400 606

---- Respondents

For Petitioners	:	Mr.K.P.S.Gandhi, Advocate
For State	:	Mr.R.N.Pusty, Govt.Advoate
For Respondent No.3to5:	:	Mr.N.K.Vyas, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

23/07/2018

1. Learned counsel for the petitioners would submit that learned Assistant Labour Commissioner ought to have referred the matter to the appropriate Government for referring the matter to the Labour Court for adjudication.
2. On the other hand, learned counsel for respondents No.3 to 5 would support the impugned order.

3. I have heard learned counsel for the parties.
4. Failure report by the Conciliation Officer ought to have sent to the State Government and it was open to the State Government to consider and refer the matter to the Labour Court, which has not been done in this case.
5. Accordingly, the proceedings dated 4.6.2010 and letter of the Assistant Labour Commissioner, Bilaspur dated 10.6.2010 are hereby set aside. The matter is remitted to the Assistant Labour Commissioner, Bilaspur who shall consider the case of the petitioners and pass an appropriate order afresh in accordance with law.
6. The writ petition is allowed to the extent indicated hereinabove.
No cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-