

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**Writ Petition (L) No.2347 of 2009**

State of Chhattisgarh through Divisional Forest Officer, General Forest Division, District Kabirdham (CG).

----Petitioner**Versus**

1. Dullichand S/o Shivram Mari, R/o Mudiapara, Post Bodla, District Kabirdham (CG).
2. The Labour Court, Rajnandgaon (CG).

---- Respondents

For Petitioner	:	Shri SP Kale, Dy. Advocate General.
For Respondent No.1	:	Shri Basant Dewangan, Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****10.01.2018**

1. The challenge in the present writ petition is to the award dated 09.01.2008 passed in case No.22/ID Act/2006 (Ref.) whereby the Labour Court in a case of discontinuance of service of a daily wage worker had ordered for reinstatement of service with 75 percent back wages.
2. A perusal of records would show that subsequent to the filing of writ petition i.e. about 8 years back, the petitioner's have reinstated the respondent No.1 in service, in compliance to the provisions of Section 17-B of the Industrial Disputes Act and since then the respondent No.1-workman is in employment and in due course of time he has also been regularized.
3. In view of the fact that after reinstatement of worker he has been regularized in service, this court does not intend to interfere with the

findings of reinstatement given by the Labour Court and the award to that extent stands affirmed.

4. However, this court is not inclined to accept the findings of the Labour Court so far as grant of 75 percent back wages for the simple reason that the workman in the instant case had been discontinued from service w.e.f. 18.02.2000 and that he had raised the dispute itself after 6 years somewhere in the year, 2006, as is reflected from the terms of reference made to the Labour Court. The employee as such cannot be granted the benefit of back wages for his own lapse that of not raising a dispute immediately on his being discontinued from service. Thus, the finding of the Labour Court granting 75 percent back wages is not sustainable applying the principle of "No Work No Pay".
5. The writ petition thus stands allowed in part i.e. the order of reinstatement stands affirmed, however, the findings of back wages is set aside.

Sd/-
(P.Sam Koshy)
Judge