

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 543 of 2018**

Vinod Kumar Aghariya S/o Late Nandadu Aghariya Aged About 48 Years Ex. Time Keeper, R/o Village Kapan Tahsil Akaltara, Police Station Naila, District Janjgir Champa Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through Secretary Water Resources Department Mahanadi Bhawan Naya Mantralaya Naya Raipur, Police Station Mandir Hasaud , District Raipur Chhattisgarh.
2. The Research Officer, Quality Control Unit, Sakti, District Janjgir - Champa Chhattisgarh.
3. The Presiding Officer, Labour Court Janjgir - Champa District Janjgir Champa Chhattisgarh.

---- Respondents

For Appellant	: Shri KPS Gandhi, Advocate.
For Respondent/State	: Shri Gary Mukhopadhyay, Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgment on Board****24/09/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. Since after verification of the record of the Tribunal, it is accepted position that there is no finding given by the Labour Court with regard to the fact that the workman had worked for 240 days in the last calendar year prior to the period of termination/retrenchment, therefore, the remand of the matter to the Labour Court for recording specific finding on this aspect of the matter which will also have a bearing on the principle of 'last come first go' cannot be said to be erroneous in any manner.

3. It is made clear that when the status of workmen with regard to them having worked for 240 days in the previous calendar year established, the question of application of principle of 'last come first go' will arise.
4. In view of the same, this appeal is dismissed.
5. The order dated 06.04.2018 passed by the learned Single Judge remanding the matter to the Labour Court to record a finding of working for 240 days stands.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE