

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 593 of 2018

- Ramdulari Kashyap D/o Saheb Lal Kashyap Aged About 40 Years By Caste Kurmi, Ex Labour R/o Gram Mudhpar, Post Khisoura, Tahsil And P. S. Navagarh, District Janjgir Champa, Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Executive Engineer, Hasdeo Nahar Jal Prabandh Sambhag, Janjgir, District Janjgir- Champa, Chhattisgarh

---- Respondents

For Appellant	: Shri CJK Rao, Advocate
For Respondents/State	: Shri Gary Mukhopadhyay, Panel Lawyer

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

Per Ajay Kumar Tripathi, Chief Justice

21.08.2018

1. 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.
2. 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.

3. In view of the same, this appeal is dismissed.

4. 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

padma