

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 613 of 2018

- Jairatan Kashyap, S/o Bhuwan Prasad Kashyap, aged about 45 Years Ex - Labour, R/o Village Mudhpar, Post Khisoura, Tashil and Police Station Nawagarh 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 C.J.K. Rao, Advocate
For Respondents/State	:	Shri Gary Mukhopadhyay, Government Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per, Ajay Kumar Tripathi, Chief Justice

24.08.2018

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

Chandra