

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 663 of 2018

- Chandrashekhar Shrivastava S/o Rakhiram Shrivastava Aged About 42 Years R/o Village- Mudhpar, Post Khisoura, Via And Police Station Nawagarh, District- Janjgir-Champa, Chhattisgarh.....(Respondent), District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

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

---- Respondents

For Appellant	: Shri C.J.K.Rao, Advocate
For Respondent/State	: Shri Gary Mukhopadhyay, G.A.

Hon'ble Shri Justice Pritinker Diwaker

Hon'ble Smt. Justice Rajani Dubey

Order on Board by Pritinker Diwaker, J.

05/09/2018

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 manner.

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.

In view of the same, this appeal is dismissed.

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/-
(Pritinker Diwaker)
Judge

Sd/-
(Rajani Dubey)
Judge